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# United States Department of Agriculture

# SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 14001–14050

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 5, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14001. Adulteration and misbranding of tomato pulp. U. S. v. 20 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19474. I. S. No. 3739–v. S. No. E–5102.)

On or about January 15, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of tomato pulp, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Greco Canning Co., Inc., from San Francisco, Calif., on or about November 1, 1924, and transported from the State of California into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "De-Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Pulp," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared upon the label.

On April 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14002. Adulteration and misbranding of canned oysters. U. S. v. 12 Cases, et al., of Canned Oysters. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20151, 20152, 20153. I. S. No. 24719–v. S. No. C–4755.)

On or about July 7, 17, and 20, 1925, respectively, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 56 cases of canned oysters, remaining in the original unbroken packages in part at Sioux Falls, S. Dak., and in part at Deadwood, S. Dak., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., on or about January 10, 1925, and transported from the State of Mississippi into the State of South Dakota, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance, water or brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

It was further alleged in substance in the libels that the article was misbranded, in that the statements, to wit, "Riviera Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co. Inc., Biloxi, Miss.," "Jewett's High Grade Brand Oysters Contents 5 Oz. Avd. Packed For Jewett Bros. & Jewett, Sioux Falls, S. D.," and "Dacotah Brand Oysters Contents 5 Ozs. Packed For Andrew Kuehn Co. Sioux Falls, S. D.," as the case might be, borne on the can labels of respective portions of the product, implied that it was a normal sound product, whereas water or brine had been mixed with and had been substituted wholly or in part for the said article.

On December 10, 1925, the Marine Products Co., Biloxi, Miss., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant to be relabeled, upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14003. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Product released under bond to be relabeled and sold as fertilizer.** (F. & D. No. 18395. I. S. No. 948–v. S. No. E–4740.)

On February 20, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of cottonseed meal, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the International Vegetable Oil Co., from Savannah, Ga., on or about November 28, 1923, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 pounds Net Second Class Cotton Seed Meal Manufactured By The International Vegetable Oil Co., Atlanta, Georgia. Guaranteed Analysis: Crude Protein 36% (Equivalent to 7% Ammonia)."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the product was labeled, "Cotton Seed Meal Guaranteed Analysis: Crude Protein 36% (Equivalent to 7% Ammonia)," which statements were false and misleading and deceived and misled the purchaser, since the article was deficient in protein.

On June 2, 1924, the Lucas Bros. Co., Tampa, Fla., having appeared as claimant for the property and having given bond for compliance with the law and order of the court, by relabeling and selling the product as fertilizer, it was ordered by the court that the product be released to the said claimant.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14004. Adulteration and misbranding of morphine and atropine tablets, fluid extract stramonium leaves, fluid extract nux vomica, tincture cinchona, tincture opium, and fluid extract jaborandi. U. S. v. Irwin, Neisler & Co. Plea of nolo contendere. Fine, $180.** (F. & D. No. 19713. I. S. Nos. 22820–v, 22822–v, 22823–v, 22826–v, 22827–v, 22830–v.)

On December 11, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1924, from the State of Illinois into the State of Missouri, of quantities of morphine and atropine tablets, fluid extract stramonium leaves, fluid extract nux vomica, tincture cinchona, tincture opium (laudanum), and fluid extract jaborandi, respectively, which were adulterated and misbranded. The articles were labeled in part: "Irwin, Neisler & Co. * * * Decatur, Ill.," and were further labeled as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The morphine and atropine tablets contained 2/9 grain of morphine sulphate each; the stramonium leaves fluid extract yielded 0.14 gram of the alkaloids of stramonium per 100 milliliters; the nux vomica fluid extract yielded 1.31 grams of the alkaloids of nux vomica per 100 milliliters; the cinchona tincture yielded 0.49 gram of the alkaloids of cinchona per 100 milliliters and contained 58.4 per cent by volume of alcohol; the opium tincture yielded 0.90 gram of anhydrous morphine per 100 milliliters, equivalent to not more than 41.1 grains of granulated opium per fluid ounce; the jaborandi fluid extract yielded 0.768 gram of the alkaloids of pilocarpus per 100 milliliters and contained 50 per cent by volume of alcohol.

Adulteration was alleged in the information with respect to the morphine and atropine tablets for the reason that the strength of the article fell below the professed standard under which it was sold, in that each of the said tablets was represented to contain ¼ of a grain of morphine sulphate, whereas each of a number of said tablets contained a less amount.

Adulteration of the extract stramonium leaves was alleged for the reason that it was sold as fluid extract stramonium leaves, to wit, fluid extract of stramonium, a name recognized in the National Formulary, and differed from the standard of strength as determined by the test laid down in said National Formulary, official at the time of investigation, and the standard of strength of the article was not plainly, that is, it was not correctly, stated on the container thereof. Adulteration of the said fluid extract stramonium leaves was alleged for the further reason that its strength fell below the professed standard under which it was sold.

Adulteration was alleged with respect to the remaining products for the reason that the fluid extract nux vomica, the tincture cinchona, and the tincture opium were sold under names recognized in the United States Pharmacopœia, and the fluid extract jaborandi was sold under a name recognized in the said pharmacopœia as a synonym for fluid extract of pilocarpus, and the said articles differed from the standard of strength as determined by tests laid down in said pharmacopœia, official at the time of investigation, and the standard of strength of the said articles was not stated upon the respective containers thereof. Adulteration of the fluid extract nux vomica and the tincture opium was alleged for the further reason that their strength fell below the professed standard under which they were sold.

Misbranding of the morphine and atropine tablets was alleged for the reason that the statement, to wit, "Morphine Sulph. ¼ gr.," borne on the label of the bottle containing the said tablets, was false and misleading, in that the said statement represented that each of the tablets contained ¼ grain of morphine sulphate, whereas each of a number of said tablets contained less than ¼ grain of morphine sulphate.

Misbranding of the extract stramonium leaves was alleged for the reason that the statements, to wit, "Fluid Extract Stramonium Leaves," and "Each minim of this extract represents 1 gr. of select drug," borne on the bottle labels, were false and misleading, in that the said statements represented that the article was fluid extract of stramonium as defined in the National Formulary and that each minim of said article contained 1 grain of stramonium, whereas the article was not fluid extract of stramonium as defined in said National Formulary, in that it yielded less than 0.22 gram of the alkaloids of stramonium per 100 milliliters of said article, namely, not more than 0.14 gram of the alkaloids of stramonium per 100 milliliters of said article, whereas the National Formulary provided that 100 milliliters of fluid extract of stramonium should yield not less than 0.22 gram of the alkaloids of stramonium, and each minim of said article did not contain one grain of stramonium but did contain a less quantity. Misbranding of the extract stramonium leaves was alleged for the further reason that the bottle containing the article failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

Misbranding of the extract nux vomica was alleged for the reason that the statements, to wit,, "Fluid Extract Nux Vomica," and "Standard of Strength. Each cubic centimeter represents 1 gram of select drug," borne on the bottle labels, were false and misleading, in that the said statements represented the article to be fluid extract of nux vomica as defined in the United States Pharmacopœia and that each cubic centimeter of the article contained 1 gram of nux vomica, whereas it was not fluid extract of nux vomica as defined in the said pharmacopœia, in that it yielded less than 2.37 grams of the alka-

loids of nux vomica per 100 mils of the article, the amount prescribed in the pharmacopœia, and each cubic centimeter did not contain 1 gram of nux vomica, but did contain a less amount.

Misbranding of the tincture cinchona was alleged for the reason that the statement, to wit, "Tinct. Cinchona," borne on the bottle labels, was false and misleading, in that the said statement represented that the article was tincture of cinchona as defined in the United States Pharmacopœia, whereas it was not, in that it yielded less than 0.8 gram of the alkaloids of cinchona per 100 mils of the article, the amount prescribed in the said pharmacopœia. Misbranding of the said tincture cinchona was alleged for the further reason that the bottle containing the article failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

Misbranding of the tincture opium was alleged for the reason that the statements, to wit, "Tinct. Opium, U. S. (Laudanum)" and "Opium, 48 gr. to fl. oz.," borne on the bottle labels, were false and misleading, in that the said statements represented that the article was tincture of opium (laudanum) as defined in the United States Pharmacopœia, and that each fluid ounce of the article contained 48 grains of granulated opium (the kind of opium specified by the said pharmacopœia for the preparation of tincture of opium), whereas the said article was not tincture of opium (laudanum) as defined in the said pharmacopœia, in that it yielded less than 0.95 gram of anhydrous morphine per 100 mils of said article, the amount prescribed in the said pharmacopœia, and each fluid ounce of said article did not contain 48 grains of said opium, but did contain a less amount.

Misbranding of the fluid extract jaborandi was alleged for the reason that the statement, to wit, "Fluid Extract Jaborandi," a name recognized in the United States Pharmacopœia as a synonym for fluid extract of pilocarpus, borne on the bottle labels, was false and misleading, in that the said statement represented that the article was fluid extract of pilocarpus as defined in said pharmacopœia, whereas the article was not fluid extract of pilocarpus as so defined, in that the said pharmacopœia provided that 100 mils of fluid extract of pilocarpus should yield not more than 0.65 gram of the alkaloids of pilocarpus, whereas the said article yielded more than 0.65 gram of the alkaloids of pilocarpus per 100 mils of the article. Misbranding of the fluid extract jaborandi was alleged for the further reason that the bottle failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

On December 29, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $180.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14005. Misbranding of tomatoes. U. S. v. Sterling Wholesale Co. Plea of guilty. Fine, $50.** (F. & D. No. 18585. I. S. Nos. 8507-v, 8509-v.)

On November 23, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sterling Wholesale Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about August 20 and 25, 1923, respectively, from the State of Utah into the State of Colorado, of quantities of tomatoes in boxes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14006. Adulteration of butter. U. S. v. 75 Tubs, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond.** (F. & D. Nos. 20369, 20425, 20453, 20454, 20455. I. S. Nos. 1912-x, 1913-x, 1914-x, 2004-x, 2005-x, 2006-x. S. Nos. C-4801, C-4804, C-4819.)

On or about August 3 and 13 and September 2, 1925, respectively, the United States attorney for the Middle District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,400 tubs of

butter, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by Swift & Co., Lexington, Ky., in various consignments, namely, on or about June 27 and July 3, 7, 10 and 14, 1925, respectively, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

On October 23, 1925, Swift & Co. having appeared as claimant for the property through their branch office at Nashville, Tenn., and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $8,000, conditioned in part that it be reworked or rechurned under the supervision of this department so as to bring it to the standard required by law, namely, to contain 80 per cent by weight of milk fat, and it was further ordered that the claimant pay the costs of the proceedings.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14007. Adulteration of pistachio nuts. U. S. v. 25 Cases and 13 Cases of Pistachio Nuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20539. I. S. Nos. 7092–x, 7093–x. S. No. E–5528.)

On November 2, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 cases of pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Amin & Sons, from Bombay, India, prior to and arriving on or about July 2, 1924, and that it had been transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 16, 1925, Reur Arbib, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,000, in conformity with section 10 of the act, conditioned in part that the nuts be sorted and the bad portion destroyed or denatured.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14008. Adulteration of canned sardines. U. S. v. 875 Cases of Canned Sardines. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20491. I. S. No. 3657–x. S. No. C–5030.)

On October 29, 1925, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 875 cases of canned sardines, remaining in the original unbroken packages at Corpus Christi, Tex., alleging that the article had been shipped by the Chas. [Maine] Cooperative Sardine Corp. [Co.], from Eastport, Me., on or about July 22, 1925, and transported from the State of Maine into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sea Lion Brand Maine Sardines * * * Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libel for the reason that it was in whole or in part filthy, decomposed, and putrid.

On January 5, 1926, the Seacoast Canning Co., Eastport, Me., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product, or such part thereof as might be determined by this department to be fit for human consumption, be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14009. Adulteration and misbranding of apple jelly. U. S. v. 39 Cases of Jelly. Default decree of destruction entered.** (F. & D. No. 17585. I. S. No. 3439–v. S. No. E–4419.)

On June 29, 1923, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 cases of jelly, at Charlotte, N. C., alleging that the article had been shipped by the Old Virginia Orchard Co., Inc., from Front Royal, Va., March 27, 1923, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Maiden Blush Brand Pure Apple Jelly * * * Old Virginia Orchard Co. Inc. Front Royal, Va. Net Weight 6½ Oz."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that pectin jelly containing added phosphoric acid had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements on the labels "Pure Apple Jelly * * * Net Weight 6½ Oz.," together with a design showing primitive jelly manufacturing plant with container holding what are apparently apples, and section of orchard, were false and misleading and deceived the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about January 8, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14010. Adulteration of chocolate concentrate. U. S. v. 9¾ Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18615. I. S. No. 15994–v. S. No. E–4815.)

On April 23, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9¾ gallons of chocolate concentrate, remaining in the original unbroken packages at Carbondale, Pa., alleging that the article had been shipped by the Jack Beverages, Inc., from New York, N. Y., on or about April 5, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate * * * Jack Beverages Inc. * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On September 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14011. Adulteration and misbranding of chocolate concentrate. U. S. v. 4¾ Gallons of Chocolate Concentrate. Default order of destruction entered.** (F. & D. No. 18674. I. S. No. 3242–v. S. No. E–4836.)

On May 12, 1924, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4–3/4 gallons of chocolate concentrate, at Charlotte, N. C., alleging that the article had been shipped by Jack Beverages, Inc., New York, N. Y., March 28, 1924, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained salicylic acid and glucose, which had been mixed therewith so as to reduce and injuriously affect its quality, for the further reason that it had been mixed in a manner whereby its inferiority was

concealed, and for the further reason that it contained added poisonous or deleterious ingredients, to wit, salicylic acid and glucose, which rendered it injurious to health.

It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, in that it was labeled with the intent of deceiving the public, and in that it was an imitation of and offered for sale under the distinctive name of another article.

On or about January 8, 1926, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14012. Adulteration and misbranding of butter. U. S. v. Yerington Creamery Co. Plea of guilty. Fine, $75.** (F. & D. No. 19677. I. S. Nos. 20193–v, 20508–v, 20509–v.)

On November 30, 1925, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Yerington Creamery Co., a corporation, Yerington, Nev., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 16 and February 9, 1925, respectively, from the State of Nevada into the State of California, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Pasteurized Creamery Butter * * * From Yerington Creamery Mason, Nevada." The remainder of the said article was labeled in part: "Finest Creamery Butter."

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On December 17, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $75.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14013. Adulteration and misbranding of codeine sulphate tablets, quinine sulphate tablets, morphine sulphate tablets, strychnine nitrate tablets, and atropine sulphate tablets. U. S. v. the William A. Webster Co. Plea of guilty. Fine, $30 and costs.** (F. & D. No. 19244. I. S. Nos. 4628–v, 6705–v, 6775–v, 6777–v, 19207–v, 19208–v.)

On March 3, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about July 19, 1923, from the State of Tennessee into the State of Illinois, of quantities of strychnine nitrate tablets and atropine sulphate tablets, respectively, on or about August 7, 1923, from the State of Tennessee into the State of Ohio, of a quantity of codeine sulphate tablets, and on or about September 15, 1923, and February 7, 1924, from the State of Tennessee into the State of Missouri, of quantities of quinine sulphate tablets and morphine sulphate tablets, respectively, which were adulterated and misbranded. The articles were labeled in part, variously: "Tablets Codeine Sulphate, 1–4 grain"; "Tablets Quinine Sulphate, 2 Grain"; "Tablets Morphine Sulphate, 1/8 gr." (or "1–2 Grain"); "Tablets Strychnine Nitrate Grain, 1/40 gr."; "Tablets Atropine Sulphate, 1–100 grain," and were further labeled, "The William A. Webster Co. * * * Memphis, Tenn."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The codeine sulphate tablets, labeled "1/4 grain," contained 3/14 grain of codeine sulphate per tablet; the quinine sulphate tablets, labeled "2 Grain," contained 2 1/4 grains of quinine sulphate per tablet; the morphine sulphate tablets labeled "1/8 gr." contained 3/16 grain

of morphine sulphate per tablet, and those labeled "1/2 Grain" contained 2/5 grain of morphine sulphate per tablet; the strychnine nitrate tablets, labeled "1/40 gr.," contained 1/50 grain of strychnine nitrate per tablet, and the atropine sulphate tablets, labeled "1/100 grain," contained 1/125 grain of atropine sulphate per tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the said tablets to contain 1/4 grain of codeine sulphate, 2 grains of quinine sulphate, 1/8 grain of morphine sulphate, 1/2 grain of morphine sulphate, 1/40 grain of strychnine nitrate or 1/100 grain of atropine sulphate, as the case might be, whereas the alleged 1/8 grain morphine sulphate tablets and the 2 grain quinine sulphate tablets contained more than 1/8 grain of morphine sulphate and more than 2 grains of quinine sulphate and each of the remaining tablets contained less of the product than represented on the label thereof.

Misbranding was alleged for the reason that the statements, to wit, "Tablets Codeine Sulphate, 1–4 grain," "Tablets Quinine Sulphate, 2 Grain," "Tablets Morphine Sulphate, 1/8 gr.," "Tablets Morphine Sulphate, 1–2 Grain," "Tablets Strychnine Nitrate, 1/40 gr.," and "Tablets Atropine Sulphate, 1–100 grain," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the alleged 1/8 grain morphine sulphate and 2 grain quinine sulphate tablets contained more morphine sulphate and more quinine sulphate, respectively, than declared, and the remaining products contained less of the product than declared on the label thereof.

On December 31, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $30 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14014. Adulteration of dried pears. U. S. v. 52 Bags of Dried Pears. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20699. I. S. No. 7178–x. S. No. E–5526.)

On December 8, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 bags of dried pears, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by M. Lauer & Strauss from Prague, Czecho-Slovakia, on or about November 7, 1922, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid or decomposed vegetable substance.

On December 28, 1925, William Rosen, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that it be resorted under the supervision of this department and the bad portion destroyed or denatured.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14015. Misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20302. I. S. No. 6803–x. S. No. E–5430.)

On July 14, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and subsequently an amended libel praying the seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Minnesota Cooperative Creamery Co., Renville, Minn., on or about June 30, 1925, and transported from the State of Minnesota into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Minnesota Brand Fancy Creamery Butter."

It was alleged in substance in the libel as amended that the article was deficient in butterfat and was misbranded, in that it was offered for sale under the distinctive name of another article.

On August 17, 1925, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to recondition the product so that it should contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $800, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to comply with the law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14016. Misbranding of sweet potatoes. U. S. v. Benjamin A. Headley. Plea of guilty. Fine, $5.** (F. & D. No. 12320. I. S. Nos. 15912–r, 15913–r, 15914–r, 15915–r.)

On October 29, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin A. Headley, Swedesboro, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about October 17, 22, and 23, and November 1, 1919, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of sweet potatoes in barrels which were misbranded. One shipment of the product was labeled: (Tag) "B. A. Headley, Wholesale Fruit and Produce, Swedesboro, N. J."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14017. Adulteration and misbranding of butter. U. S. v. 10 Cases of Butter. Decree of condemnation entered. Product released under bond.** (F. & D. No. 20684. I. S. No. 7207–x. S. No. E–5552.)

On or about November 16, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of butter, consigned November 7, 1925, and remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Good Thunder Cooperative Dairy Assoc., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Butter One Pound Net."

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, for the further reason that the statements "Butter" and "One Pound Net," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 30, 1925, the Good Thunder Cooperative Dairy Assoc., Good Thunder, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled to show its contents, and inspected and approved by this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14018. Misbranding of butter. U. S. v. 40 Cases of Butter. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 20180. I. S. No. 24790–v. S. No. C–4761.)

On or about June 19, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of butter, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by Swift & Co., from Oklahoma City, Okla, May 19, 1925, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Cresta Creamery Butter, Swift & Company, San Antonio, Texas," (carton) "Cresta Creamery Butter 1 Lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the cartons containing the said article were labeled "1 Lb. Net Weight Cresta Creamery Butter," which said statement was false and misleading and deceived and misled the purchaser, in that the said cartons of butter did not weigh 1 pound as labeled. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 30, 1925, Swift & Co. having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel and instructions from the court the jury retired and on October 2, 1925, returned a verdict for the Government. On October 2, 1925, a judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $400, conditioned in part that it not be used, sold or disposed of in violation of law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14019. Adulteration and misbranding of apples. U. S. v. Milton H. Pugsley (M. H. Pugsley). Plea of guilty. Fine, $25 and costs.** (F. & D. No. 19592. I. S. No. 19226–v.)

On May 12, 1925, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Milton H. Pugsley, trading as M. H. Pugsley, Paw Paw, Mich., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 25, 1924, from the State of Michigan into the State of Illinois, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: (Basket) "No. 1 Duchess 2½ Inch Min. * * * From M. H. Pugsley, Paw Paw, Mich."

Adulteration of the article was alleged in the information for the reason that apples of less than 2½ inches minimum diameter and of a lower grade than U. S. Grade No. 1 had been substituted for U. S. Grade No. 1, 2½ inches minimum diameter apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "No. 1 Duchess 2½ Inch Min.," borne on the labels, was false and misleading, in that the said statement represented that the baskets contained apples conforming to U. S. Grade No. 1 and of a minimum size of not less than 2½ inches in diameter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it conformed to U. S. Grade No. 1 apples, of a minimum size of not less than 2½ inches in diameter, whereas the article did not conform to U. S. Grade No. 1 apples, of a minimum size of not less than 2½ inches in diameter but did contain apples of a lower grade than U. S. Grade No. 1 and less than 2½ inches in diameter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 6, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14020. Misbranding of Kopp's. U. S. v. 338 Bottles and 182 Bottles of Kopp's. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20474, 20500. I. S. Nos. 4226–x, 4229–x. S. Nos. C–4830, C–4837.)

On October 7 and 13, 1925, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 520 bottles of Kopp's, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Kopp's Baby's Friend Co., York, Pa., in part on or about June 13, 1925, and in part on or about July 16, 1925, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, carton) "Kopp's * * * Made by the Kopp's Baby's Friend Co., successors to Mrs. J. A. Kopp."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of morphine sulphate, alcohol, sugar, water, and flavoring and coloring materials.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in the circular accompanying the said article were false and fraudulent, since it contained no ingredient, or combination of ingredients, capable of producing the curative and therapeutic effects claimed: "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness. The child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting in many cases, high fever and sometimes convulsions. A Teething Baby is a Nervous Baby and is more likely to contract colds, Diarrhoea, Cholera Infantum, Whooping Cough, and other baby ailments, and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething becomes a very grave affair. It is therefore very important that teething be made as painless as possible," (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly."

On January 9 and 11, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14021. Adulteration and misbranding of Wood's special concentrated sweetener. U. S. v. 4 Lbs., et al., of Concentrated Sweetener. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13036, 13037, 13038, 13039, 13040, 13051, 13052, 13126, 13127. I. S. Nos. 9336–r, 9343–r, 9346–r, 9356–r, 9357–r, 9366–r, 3804–t, 9111–t, 9112–t. S. Nos. E–2425, E–2426, E–2427, E–2428, E–2429, E–2431, E–2446, E–2461, E–2462.)

On July 16 and 20 and August 5, 1920, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 100 pounds and 44 ounces of concentrated sweetener, in various lots, at Jasper, Miami, Key West, Tampa, Lakeland, Orlando, and Sanford, Fla., respectively, consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in various consignments, namely, about June 12, 18, 20, and 25 and July 3, 1920, respectively, and transported from the State of Missouri into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500–500 Soluble in Cold Water * * * Not Sold As A Drug W. B. Wood Mfg. Co. Manufacturing Chemists St. Louis, Mo."

Adulteration of the article was alleged in the libels for the reason that another substance, to wit, saccharin, had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained saccharin, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement borne on the labels "Special Concentrated Sweetener 500," was false and misleading, in that the said statement represented that the article was 500 times sweeter than sugar, when it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 18, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14022. Adulteration and misbranding of spring water. U. S. v. 7 Bottles of Williams Acme Spring Health Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20040. I. S. No. 15574-v. S. No. E-5304.)

On April 25, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 bottles of Williams Acme spring health water, remaining in the original unbroken packages at Rochester, N. Y., alleging that the article had been shipped by A. Puccia, Sanford, Fla., March 28, 1925, and transported from the State of Florida into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Williams Acme Spring Health Water Williams Brothers Norfolk, Va. Visit The Spring At Bowers Hill, Va." A portion of the labels had the statement put on with rubber stamp, "Net Contents 5 Gallons."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the statement "Health Water," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statement of the net contents, which was put on with a rubber stamp, had been left off some of the bottles.

On June 13, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14023. Adulteration of canned lima beans. U. S. v. 209 Cases of Canned Lima Beans. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20581. I. S. No. 4324-x. S. No. C-4856-a.)

On November 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 209 cases of canned lima beans, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Rasse Wholesale Grocer Co., Fairbury, Nebr., on or about September 3, 1925, and transported from the State of Nebraska into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14024. Adulteration of canned tuna. U. S. v. 94 Cases of Canned Tuna. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20580. I. S. No. 4323-x. S. No. C-4856.)

On November 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 94 cases of canned tuna, remaining in the

original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bell Grocery Co., Pineville, Ky., on or about September 14, 1925, and transported from the State of Kentucky into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14025. Adulteration of evaporated apples. U. S. v. 8 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20600. I. S. No. 4336–x. S. No. C–4860.)

On November 12, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of evaporated apples, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bell Grocery Co., Pineville, Ky., on or about September 24, 1925, and transported from the State of Kentucky into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14026. Adulteration of anchovies. U. S. v. 1 Case and 22 Cans of Anchovies. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20582. I. S. No. 4325–x. S. No. C–4856–b.)

On November 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 case and 22 cans of anchovies, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Illinois Wholesale Grocery Co., Rock Island, Ill., on or about August 28, 1925, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14027. Adulteration of raisins. U. S. v. 168½ Cases of Raisins. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20560. I. S. Nos. 4327–x to 4335–x, incl. S. No. C–4853.)

On November 4, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 168½ cases of raisins, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by S. D. Thompson, Pittsburg, Kans., on or about September 9, 1925, and transported from the State of Kansas into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14028. Adulteration of spaghetti, egg noodles, hominy, peanuts, and mincemeat. U. S. v. 9 Cases of Spaghetti, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20602, 20603, 20604, 20605, 20606. I. S. Nos. 4337–x, 4338–x, 4339–x, 4340–x, 4341–x. S. Nos. C–4861, C–4861–a, C–4861–b, C–4861–c, C–4861–d.)

On November 12, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of spaghetti, 4 cases of egg noodles, 2 cases of hominy, 20 cases of peanuts, and 2 cases of mincemeat, remaining in the original unbroken packages at St. Louis, Mo., alleging that the articles had been shipped by the Renfro Supply Co., Williamsburg, Ky., on or about October 1, 1925, and transported from the State of Kentucky into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the articles was alleged in the libel for the reason that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

On January 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14029. Adulteration of canned string beans. U. S. v. 37 Cases, et al., of Canned String Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20620, 20621, 20631, 20716, 20718. I. S. Nos. 4234–x, 4243–x, 4263–x, 4264–x. S. Nos. C–4868, C–4874, C–4911, C–4914.)

On November 14 and 19 and December 12 and 14, 1925, respectively, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 368 cases of canned string beans, in various lots, at Duncan, Waurika, Chickasha, Henryetta, and Poteau, Okla., respectively, alleging that the article had been shipped by the Litteral Canning Co., Fayetteville, Ark., in various consignments, namely, on or about August 22 and 24 and September 5 and 8, 1925, respectively, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Our Favorite Brand" (or "Faycano") "Cut Stringless Beans * * * Packed by Litteral Canning Co. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 16 and 18, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14030. Adulteration and misbranding of butter. U. S. v. 613 Pails of Butter. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 20240. I. S. No. 22358–v. S. No. C–4775.)

On or about June 30, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 613 pails of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Harrow-Taylor Butter Co., Kansas City, Mo., on or about June 11, 1925, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, in that it was offered for sale under the name of butter, whereas it was not butter, not

having a minimum of 80 per cent of butterfat as required by the act of March 4, 1923.

On July 28, 1925, the Harrow-Taylor Butter Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $800, said bond providing that the product be reconditioned, reworked, and inspected by a representative of this department before being sold or otherwise disposed of.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14031. Adulteration of evaporated apples. U. S. v. 1,000 Boxes of Evaporated Apples. Consent decree entered, ordering product released under bond.** (F. & D. No. 19831. I. S. Nos. 22586–v, 22587–v. S. No. C–4661.)

On February 24, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 boxes of evaporated apples, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by E. B. Holton, from Rochester, N. Y., December 10, 1924, and transported from the State of New York into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Fancy Knox Brand" (or "Evaporated Apples Choice Daisy Brand") "Ring Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and had been substituted wholly or in part for the said article.

On April 22, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property, and having consented to the condemnation and forfeiture of the product, judgment of the court was entered, ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be shipped to the claimant at Rochester, N. Y., to be reconditioned to the satisfaction of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14032. Adulteration and misbranding of evaporated apples. U. S. v. 30 Cases of Evaporated Apples. Consent decree entered, ordering product released under bond.** (F. & D. No. 19918. I. S. No. 14792–v. S. No. C–4685.)

On March 21, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases of evaporated apples, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by R. D. Waterman & Son, from Williamson, N. Y., December 9, 1924, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Lake Shore Brand New York State 12 Oz. Net" (rubber stamped "10 Oz. Net") "Apples Evaporated Sulphured Packed By R. D. Waterman & Son, Inc. Fruitland & Williamson, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Evaporated Apples 10 Oz. Net" and "12 Oz. Net," borne on the labels, were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 20, 1925, the Northern Jobbing Co., St. Paul, Minn., having appeared as claimant for the property, and having consented to the entry of a decree forfeiting the product, judgment was entered, ordering that it be re-

leased to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be shipped to R. D. Waterman & Son, Fruitland, N. Y., to be reconditioned to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14033. Adulteration and misbranding of cheese. U. S. v. 90 Pounds of Cheese. Default order of destruction entered.** (F. & D. No. 19387. I. S. No. 22550-v. S. No. C-4558.)

On December 17, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 pounds of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., from Chicago, Ill., November 10, 1924, and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "Chicago Cheese & Farm Products Co. * * * Chicago, Ill.," (package) "Daisy Brand Farmer Cheese, Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Cheese," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing foreign fat, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On April 14, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14034. Misbranding of flour. U. S. v. 110 Sacks, et al., of Flour. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 19013, 19024. I. S. Nos. 3701-v, 3704-v, 3705-v, 3706-v, 16525-v. S. Nos. E-4948, E-4947.)

On September 25 and 27, 1924, respectively, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 420 sacks of flour, in part at York, S. C., and in part at Anderson, S. C., alleging that the article had been shipped by the Sterling Mills, Inc., from Statesville, N. C., in part August 2, 1924, and in part September 3, 1924, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "48 Lbs. When Packed," or "24 Lbs. When Packed." A portion of the product was further labeled: "Sterling Flour, Sterling Mills, Inc., Statesville, N. C."

Misbranding of the article was alleged in the libels for the reason that the statements borne on the labels of the said sacks, to wit, "24 Lbs. When Packed" or "48 Lbs. When Packed," as the case might be, were false and misleading and deceived and misled purchasers thereof. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 28, 1925, and March 7, 1925, respectively, the Sterling Mills, Inc., Statesville, N. C., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,000, in conformity with section 10 of the act, conditioned in part that the sacks be refilled to the declared weight and that the words "When Packed" be eliminated from the labels.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14035. Supplement to Notice of Judgment No. 12419. Adulteration of canned salmon. U. S. v. 378 Cases and 297 Cases of Salmon. Decree entered, ordering portion of product released under bond.** (F. & D. Nos. 14237, 14238. I. S. Nos. 10530–t, 10532–t. S. Nos. W–844, W–845.)

Subsequent to the entry of the decree of March 3, 1924, ordering that the product in the above case be condemned, forfeited, and delivered to the State of Washington Fisheries Department for use as fish food, the claimant, the Sitka Packing Co., petitioned the court that it be allowed to recondition the 297 cases of salmon labeled "Edgecombe Brand Alaska Medium Red Salmon, Sitka Packing Co." On January 6, 1926, the Supervisor of the Bureau of Fisheries of the State of Washington having signified his willingness to surrender the said salmon, it was ordered by the court that it be delivered to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act. The said bond provided that the claimant separate the portion of the salmon which was not adulterated from the portion which was unfit for human consumption and that the unadulterated salmon be released to the claimant and the remainder destroyed in the process of reconditioning.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14036. Misbranding and alleged adulteration of vinegar. U. S. v. 65 Barrels of Apple Cider Vinegar. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 15322. I. S. No. 5098–t. S. No. E–3545.)

On or about August 19, 1921, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 barrels of vinegar, remaining in the original unbroken packages at St. Johnsbury, Vt., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., on or about July 22, 1921, and transported from the State of New York into the State of Vermont, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Apple Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that vinegar made from dried apple product had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4½ Per Centum," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On January 29, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14037. Adulteration and misbranding of morphine sulphate tablets, atropine sulphate tablets, nitroglycerin tablets, and strychnine sulphate tablets. U. S. v. the Maltbie Chemical Co. Plea of guilty. Fine, $25.** (F. & D. No. 18997. I. S. Nos. 575–v, 2328–v, 2330–v, 2332–v, 2853–v.)

On December 13, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Maltbie Chemical Co., a corporation, Newark, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 25, 1923, and December 4, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of morphine sulphate tablets, atropine sulphate tablets, and nitroglycerin tablets, and on or about October 18, 1923, from the State of New Jersey into the State of Pennsylvania, of a quantity of strychnine sulphate tablets all of which were adulterated and misbranded. The articles were labeled in part, variously: "Tablets Poison Morphine Sulphate 1–2 gr.;"

"Tablets Morphine Sulph., 1–8 gr.;" "Tablets Atropine Sulph. 1–100 gr.;" "Tablets Nitroglycerin 1–100 gr.;" "Tablets Strych. Sulph. 1–100 gr." The articles were further labeled, "The Maltbie Chemical Co. Newark, N. J."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The morphine sulphate tablets labeled "½ gr." contained 4/9 grain of morphine sulphate per tablet and those labeled "1/8 gr." contained 1/10 grain of morphine sulphate per tablet; the atropine sulphate tablets, labeled "1/100 gr.," contained 1/125 grain of atropine sulphate per tablet; the nitroglycerin tablets, labeled "1/100 gr." contained 1/147 grain of nitroglycerin each; and the strychnine sulphate tablets, labeled "1/100 gr.," contained 1/138 grain of strychnine sulphate each.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the said tablets to contain 1/2 grain of morphine sulphate, 1/8 grain of morphine sulphate, 1/100 grain of atropine sulphate, 1/100 grain of nitroglycerin, or 1/100 grain of strychnine sulphate, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof.

Misbranding was alleged for the reason that the statements, to wit, "Tablets Morphine Sulphate 1–2 gr.," "Tablets Morphine Sulph. 1–8 gr.," "Tablets Atropine Sulph. 1–100 gr.," "Tablets Nitroglycerin 1–100 gr.," and "Tablets Strych. Sulph. 1–100 gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

On September 28, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14038. Adulteration and misbranding of milk chocolate bars. U. S. v. Norma Chocolate Co., Inc. Plea of guilty. Fine, $50.** (F. & D. No. 15426. I. S. No. 7833–t.)

On May 31, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Norma Chocolate Co., Inc., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about May 10, 1920, from the State of New York into the State of Pennsylvania, of a quantity of milk chocolate bars which were adulterated and misbranded. The article was labeled in part: "Regal Milk Chocolate Bars Manufactured By Norma Chocolate Co., Inc. Brooklyn, N. Y."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it had been made with skim milk.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, skim milk, had been substituted in part for milk chocolate, to wit, a product composed in part of whole milk, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Milk Chocolate," borne on the boxes containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of milk chocolate, to wit, a product composed in part of whole milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of milk chocolate, to wit, a product composed in part of whole milk, whereas it did not so consist but did consist of a product composed in part of skim milk. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, milk chocolate.

On January 6, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14039. Adulteration and alleged misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20307. I. S. No. 3022–x. S. No. C–4783.)

On July 17, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Ellendale Creamery Co., from Ellendale, N. Dak., July 6, 1925, and transported from the State of North Dakota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not marked on the outside of the packages.

On July 29, 1925, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14040. Adulteration and misbranding of pitted cherries. U. S. v. 160 Cases of Red Sour Pitted Cherries. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20675. I. S. No. 2025–x. S. No. C–5035.)

On November 30, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 cases of red sour pitted cherries, at Cincinnati, Ohio, consigned on July 27, 1925, by the Fredonia Salsina Canning Co., Fredonia, N. Y., alleging that the article had been shipped from Fredonia, N. Y., in interstate commerce into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Sky Lark Brand * * * Red Sour Pitted Cherries Packed By Fredonia Salsina Canning Co., Inc., Fredonia, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive pits, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Pitted Cherries," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 15, 1925, the Bauer Baking Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, and that it be salvaged under the supervision of this department by removing all pits contained therein.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14041. Adulteration and misbranding of canned cherries. U. S. v. 13 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19824. I S. No. 13590–v. S. No. E–5037.)

On February 20, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 13 cases of canned cherries, remaining in the original and unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Fredonia Preserving Co., of Fredonia, N. Y., into the State of Connecticut, on or about August 1, 1924, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Fedora Brand First Quality Pitted Cherries Contents 6 Lbs. 12 Oz. Packed By Fredonia Preserving Co. Main Office Fredonia, Chautauqua Co. N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged in substance for the reason that the labels on the cases containing the article were of such character as to induce the purchaser to believe that the packages (cans) contained 6 pounds and 12 ounces of the said article, when, in truth and in fact, they did not, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14042. Adulteration of butter. U. S. v. 236 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20450. I. S. No. 1920–x. S. No. C–4818.)

On September 2, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 236 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Lakeville Creamery Co., Lakeville, Minn., alleging that the article had been shipped in interstate commerce from Lakeville, Minn., into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

On September 19, 1925, the Lakeville Creamery Co., Lakeville, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation, and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be reworked in a manner satisfactory to this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14043. Adulteration of butter. U. S. v. 300 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20451. I. S. No. 1919–x. S. No. C–4818.)

On September 2, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, alleging that the article had been shipped by Kirschbraun & Sons Co., from Omaha, Nebr., and transported from the State of Nebraska into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

On September 19, 1925, Kirschbraun & Sons (Inc.), Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked in a manner satisfactory to this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14044. Adulteration and misbranding of jelly. U. S. v. 39 Dozen Jars, et al., of Jelly. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 19561. I. S. Nos. 16301–v, 16302–v, 16373–v, 16374–v, 16375–v. S. No. E–5129.)

On February 9, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 191 dozen jars of jelly, remaining in the original unbroken packages at Greenville, N. C., consigned by the Shenandoah Valley Apple Cider & Vinegar Co., alleging that the article had been shipped from Winchester, Va., on or about October 9, 1924, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: (Jar) "Apple Pie Ridge * * * Apple-Raspberry Flavor" (or "Apple" or "Apple-Cherry Flavor" or "Apple-Strawberry Flavor" or "Apple-Blackberry Flavor") "Jelly Pure Cane Sugar And Apple Pectin. Shenandoah Valley Cider & Vinegar Co. Winchester, Va."

Adulteration of the article was alleged in the libel for the reason that a substance, pectin and sugar, had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality and strength, and for the further reason that a substance, pectin jelly, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Apple Raspberry Flavor Jelly," "Apple Jelly," "Apple-Cherry Flavor Jelly," "Apple-Strawberry Flavor Jelly," and "Apple-Blackberry Flavor Jelly," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 25, 1925, the Shenandoah Valley Cider & Vinegar Co., Winchester, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14045. Adulteration and misbranding of canned oysters. U. S. v. 180 Cases, et al., of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20523 to 20527, incl., 20533. I. S. Nos. 561–x, 562–x, 564–x, 565–x. S. Nos. W–1799, W–1800.)

On or about October 20, 27 and 28, 1925, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 880 cases of canned oysters, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Biloxi, Miss., in part on or about March 10, 1925, and in part on or about March 14, 1925, and transported from the State of Mississippi into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled, variously: "Pedigree Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co., Inc., Biloxi, Miss."; "Craig's (Formerly Padlock) Brand Oysters Packed for R. L. Craig & Co. Los Angeles, Cal. This Can Contains 5 Oz. Oyster Meat"; "Saratoga Brand Oysters Net Weight Oyster Meat 5 Oz. Packed For Simpson-Ashby Co. Los Angeles, Calif."

Adulteration of the article was alleged in the libels for the reason that excessive water or brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and in that water or brine had been substituted wholly or in part for the food constituents.

Misbranding was alleged for the reason that the statements regarding the contents of the said cans, borne on the labels, namely, "Contents 5 Oz.," "This Can Contains 5 Oz. Oyster Meat," "Net Weight Oyster Meat 5 Oz.," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 16 and 18, 1925, R. L. Craig & Co., H. G. Chaffee Co., Walker Grocery Co., Daley's Inc., Simpson-Ashby Co., and E. A. Morrison, Inc., all of Los Angeles, Calif., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $11,342, in conformity with section 10 of the act, said bonds providing that the product be relabeled and reconditioned in accordance with law and in a manner satisfactory to this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14046. Adulteration of frozen eggs. U. S. v. 950 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20776. I. S. No. 6184-x. S. No. E-5617.)

On January 18, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 950 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Western Cold Storage Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about December 24, 1925, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs 30 pounds net weight Licensed Breaker No. 11 Rothenberg & Somerman, Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1926, I. Walter Bickley, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the portion unfit for food be destroyed or denatured.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14047. Adulteration and misbranding of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20731. I. S. No. 1063-x. S. No. W-1828.)

On or about December 3, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Capital City Cooperative Creamery, from Salem, Oreg., November 24, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "From Capital City Cooperative Creamery Mf'rs Of Buttercup Butter * * * Salem, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 15, 1926, the Wilsey-Bennett Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a

decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be made to conform with the provisions of the law under the direction of and to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14048. Adulteration of dried chestnuts. U. S. v. 652 Bags of Dried Chestnuts. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20730. I. S. No. 7094–x. S. No. E–5557.)

On December 23, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 652 bags of dried chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Ved. di Cesare Morini, from Cuneo, Italy, on or about January 7 and 26, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On January 23, 1926, Scaramelli & Co., Inc., New York, N. Y., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14049. Adulteration of canned salmon. U. S. v. 47 Cases and 99 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16781, 16782. I. S. Nos. 4393–v, 4394–v. S. Nos. C–3785, C–3786.)

On August 28, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 146 cases of salmon, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Northwestern Fisheries Co., Seattle, Wash., on or about May 18, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Auto Brand Pink Salmon * * * Packed By Anacortes Fisheries Co., Seattle, U. S. A."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14050. Adulteration of canned sardines. U. S. v. 118 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20445. I. S. No. 3913–x. S. No. C–5028.)

On September 18, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 118 cases of sardines, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Maine Cooperative Sardine Co., Eastport, Me., on or about July 25, 1925, and transported from the State of Maine into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Possum Brand Maine Sardines In Cottonseed Oil Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

# INDEX TO NOTICES OF JUDGMENT 14001 TO 14050

S. R. A.—Chem. Suppl. 212 Issued June, 1926

# United States Department of Agriculture

# SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 14051–14100

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 29, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14051. Misbranding of atropine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, acetphenetidin tablets, diacetylmorphine hydrochloride tablets, morphine sulphate tablets, caffeine citrated tablets, and diacetylmorphine hydrochloride and terpin hydrate tablets. U. S. v. Robert McNeil, and Robert McNeil and Robert Lincoln McNeil. Pleas of nolo contendere. Fine, $150.** (F. & D. No. 19352. I. S. Nos. 2954–v, 12533–v, 12535–v, 12536–v, 12537–v, 12538–v, 12540–v, 12541–v, 12542–v, 12543–v, 12544–v, 12713–v, 12715–v.)

On April 6, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert McNeil individually, and Robert McNeil and Robert Lincoln McNeil, copartners, trading as Robert McNeil, Philadelphia, Pa., alleging shipment by said defendants, in violation of the food and drugs act, on or about November 30 and December 7 and 13, 1923, respectively, from the State of Pennsylvania into the State of Maryland, of various lots of atropine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, acetphenetidin tablets, diacetylmorphine hydrochloride tablets, caffeine citrated tablets, and morphine sulphate tablets, on or about December 3, 1923, from the State of Pennsylvania into the State of New Jersey, of a quantity of nitroglycerin tablets, and on or about May 28, 1924, from the State of Pennsylvania into the District of Columbia, of quantities of diacetylmorphine hydrochloride and terpin hydrate tablets and morphine sulphate tablets which were misbranded. The articles were labeled in part: "Robert McNeil Philadelphia" or "Robert McNeil Pharmaceutical Chemist Philadelphia," and were further labeled as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of samples of the article showed that: Three samples of nitroglycerin tablets labeled "1/100 Grain" contained 1/177, 1/208, and 1/131 grain, respectively, of nitroglycerin per tablet; the atropine sulphate tablets labeled "1/150 gr." contained 1/194 grain of atropine sulphate per tablet, and the atropine sulphate tablets labeled "1/100 Grain" contained 1/123 grain of atropine sulphate per tablet; the strychnine sulphate tablets labeled "1/60 Grain" contained 1/69 grain of strychnine sulphate per tablet, and the strychnine sulphate tablets labeled "1/100 Grain" contained 1/143 grain of strychnine sulphate per tablet; the acetphenetidin tablets, labeled "2 Grains," contained 1 2/3 grains of acetphenetidin per tablet; the diacetylmorphine hydrochloride tablets, labeled "1/24 Grain," contained 1/28 grain of diacetylmorphine hydrochloride per tablet; the morphine sulphate tablets labeled "1/8 Grain" contained 5/48 grain of morphine sulphate per tablet, and the morphine sulphate tablets labeled "¼ Grain" contained 2/9 grain of morphine sulphate per tablet; the caffeine citrated tablets, labeled "2 Grains," contained 1 2/3 grains of caffeine citrated

per tablet; the diacetylmorphine hydrochloride and terpin hydrate tablets, labeled "Diacetylmorphine HCl. 1/50 gr." contained 1/67 grain of diacetylmorphine hydrochloride per tablet.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Tablets Atropine sulphate 1–150 gr.," "Tablets Nitroglycerin 1–100 gr.," "Tablets Strychnine Sulphate 1–60 Grain," "Tablets Acetphenetidin 2 Grains," "Tablets Diacetylmorphine Hydrochloride 1–24 Grain," "Tablets Atropine Sulphate 1-100 Grain," "Tablets Morphine Sulphate 1–8 Grain," "Tablets Nitroglycerin 1–100 Grain," "Tablets Strychnine Sulphate 1–100 Grain," "Tablets Caffeine Citrated 2 Grains," "Tablets Diacetylmorphine HCL 1/50 gr." and "Tablets Morphine Sulphate 1–4 Grain," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared. Misbranding was alleged with respect to the alleged 1/150 grain atropine sulphate tablets and a portion of the nitroglycerin tablets for the further reason that the statements "Guaranteed under the Food and Drugs Act July 30, 1906 Guaranty 7418," borne on the labels, were false and misleading, in that the said statements represented that the products conformed to the food and drugs act of June 30, 1906, whereas they did not.

On January 8, 1926, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $150.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14052. Adulteration of scallops. U. S. v. Nathaniel R. Steelman. Plea of guilty. Fine, $50.** (F. & D. No. 19682. I. S. No. 13639–v.)

On November 2, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nathaniel R. Steelman, trading as N. R. Steelman, at Oyster, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about March 13, 1925, from the State of Virginia into the State of New York, of a quantity of scallops which were adulterated.

Adulteration of the article was alleged in the information for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 13, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14053. Adulteration of scallops. U. S. v. William T. Lawson. Plea of guilty. Fine, $40.** (F. & D. No. 19660. I. S. No. 17417–v.)

On September 24, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William T. Lawson, trading as W. T. Lawson, at Quinby, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about March 7, 1925, from the State of Virginia into the District of Columbia, of a quantity of scallops which were adulterated.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for scallops. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted therefrom.

On November 13, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14054. Adulteration of oranges. U. S. v. 215 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20071. I. S. No. 14613–v. S. No. W–1707.)

On April 30, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and con-

demnation of 215 boxes of oranges, remaining in the original unbroken packages at Denver, Colo., consigned by the Glen Rosa Orchards, Riverside, Calif., alleging that the article had been shipped from Riverside, Calif., on or about April 17, 1925, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Vaccaro Brand Grown & Packed By Joseph Vaccaro Riverside, California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance, to wit, of decomposed oranges.

On May 7, 1925, the Earl Fruit Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it not be sold or otherwise disposed of contrary to law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14055. Misbranding and alleged adulteration of butter. U. S. v. 10 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20118. I. S. No. 23833–v. S. No. C–4739.)

On or about May 27, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Durant Creamery Co., Durant, Miss., on or about May 22, 1925, and transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Jersey Queen Pure Creamery Butter * * * One Pound Net Weight * * * Durant Creamery Co. Durant, Miss."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, in that the packages were branded "Jersey Queen Pure Creamery Butter," and the product was not butter, in that it did not contain the amount of butterfat, namely, 80 per cent or more by weight, as required by the act of March 4, 1923, entitled, "An act to define butter and to provide a standard therefor."

On June 15, 1925, the Durant Creamery Co., Durant, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $75, conditioned in part that it be not sold or otherwise disposed of in violation of law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14056. Misbranding of flour. U. S. v. 1,205 Sacks, et al., of Flour. Product ordered released under bond.** (F. & D. No. 20143. I. S. Nos. 17456–v to 17463–v, incl. S. No. E–5352.)

On June 24, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,785 sacks of flour, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Austin-Heaton Co., from Durham, N. C., June 5, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled, variously: "Occo-nee-chee Self-Rising Flour 12 Lbs." (or "24 Lbs."); "Peerless Flour 12 Lbs." (or "24 Lbs."); "Superb 24 Lbs." (or "12 Lbs."); "Banner Self-Rising Flour 12 Lbs." (or "24 Lbs. When Packed.")

Misbranding of the article was alleged in the libels for the reason that the statements, borne on the labels, namely, "12 Lbs." or "24 Lbs." or "When

Packed 24 Lbs.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1925, the Austin-Heaton Co., Durham, N. C., having appeared as claimant for the property, an order of the court was entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that the sacks be filled so as to bring the actual weight to the amount declared on the label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14057. Adulteration and misbranding of evaporated apples. U. S. v. 43 Boxes and 40 Boxes of Evaporated Apples. Consent order for release of product under bond, to be reprocessed.** (F. & D. No. 19896. I. S. Nos. 16382-v, 16383-v. S. No. E-5175.)

On March 12, 1925, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 83 boxes of evaporated apples, at Charlotte, N. C., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., January 15, 1925, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "25 Lbs. Evaporated Apples Choice Daisy Brand Ring Packed By E. B. Holton, Webster, N. Y." The remainder of the said article was labeled in part: "50 Lbs. Daisie Brand Choice Wood Dried Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On or about April 10, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, an order of the court was entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be reprocessed and relabeled and made to conform with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14058. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 18223. I. S. No. 15843-v. S. No. E-4673.)

On December 31, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at Lebanon, Pa., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., on or about November 6, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00%, Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the label bore the statements, to wit, "Perfection Cotton Seed Meal Guarantee Protein not less than 41.00%, Equivalent to Ammonia 8.00," which said statements were false and misleading and deceived and misled the purchaser, in that the said article contained less than 41 per cent of protein.

On September 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal after obliterating the labels on the sacks.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14059. Adulteration of chestnuts. U. S. v. 72 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20654. I. S. No. 8083–x. S. No. E–5590.)

On November 25, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 72 barrels of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Havre, France, on or about January 12, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14060. Adulteration and misbranding of mixed feed. U. S. v. Arkadelphia Milling Co. Plea of guilty. Fine, $100.** (F. & D. No. 19669. I. S. No. 7158–v.)

On July 23, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arkadelphia Milling Co., a corporation, Arkadelphia, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about September 3, 1924, from the State of Arkansas into the State of Texas, of a quantity of mixed feed which was adulterated and misbranded. The article was labeled in part: "Clover Blossom Mixed Feed Composed of wheat gray shorts, rice bran, hominy feed. Manufactured by Arkadelphia Milling Company Arkadelphia, Arkansas. Guaranteed Analysis: * * * Crude Fat not less than 5.00 Per Cent * * * Crude Fiber not more than 8.00 Per Cent."

Adulteration of the article was alleged in the information for the reason that a product containing less than 5 per cent of crude fat and more than 8 per cent of crude fiber and containing undeclared added rice hulls and but a negligible amount of hominy feed had been substituted for the said article. Adulteration was alleged for the further reason that undeclared added rice hulls had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements, to wit, "Composed of wheat gray shorts, rice bran, hominy feed," and "Guaranteed Analysis: * * * Crude Fat not less than 5.00 Per Cent * * * Crude Fiber not more than 8.00 Per Cent," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article was composed only of wheat gray shorts, rice bran, and hominy feed, and contained not less than 5 per cent of crude fat and not more than 8 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed only of wheat gray shorts, rice bran, and hominy feed and contained not less than 5 per cent of crude fat and not more than 8 per cent of crude fiber, whereas the said article contained a large quantity of undeclared added rice hulls and a very negligible amount of hominy feed and contained less than 5 per cent of crude fat and more than 8 per cent of crude fiber.

On November 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14061. Adulteration of raspberry jam. U. S. v. 18 Cases and 63 Tins of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18715. I. S. No. 20209–v. S. No. W–1512.)

On June 7, 1924, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases and 63 tins of raspberry jam, at Great Falls, Mont., alleging that the article had been shipped by the California Packing Corp., San Francisco, Calif., on or about April 15, 1924, and transported from the State of California into the State of Montana, and charging adulteration in

violation of the food and drugs act. The article was labeled in part: (Tin) "Sunkist Brand Raspberry Jam * * * California Packing Corporation Main Office San Francisco California U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On May 6, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14062. Misbranding of butter. U. S. v. John Morrell & Co. Plea of nolo contendere. Fine, $10 and costs.** (F. & D. No. 18578. I. S. No. 7061–v.)

On January 21, 1925, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Morrell & Co., a corporation, trading at Ottumwa, Iowa, alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 15, 1924, from the State of Iowa into the State of Illinois, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "1 Lb. Net Weight Quarters Yorkshire Farm Brand Creamery Butter. * * * Packed For John Morrell & Co. * * * Ottumwa, Iowa," (wrapper on cubes) "4 Oz. Net Weight."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 60 packages labeled "1 Lb. Net Weight" and 24 cubes labeled "4 Oz. Net Weight" was 15.71 ounces and 3.91 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Lb. Net Weight," borne on the packages containing the article, and "4 Oz. Net Weight," borne on the wrappers inclosing the said cubes, were false and misleading, in that the said statements represented that the packages contained 1 pound net weight of butter and that the wrappers contained 4 ounces net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 1 pound net weight of butter and that the wrappers contained 4 ounces net weight thereof, whereas the said packages contained less than 1 pound of butter and the wrappers contained less than 4 ounces thereof. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 29, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14063. Adulteration and misbranding of coffee. U. S. v. 56 Pounds of Alleged Coffee. Default order of confiscation and destruction.** (F. & D. No. 19832. I. S. No. 22144–v. S. No. C–4645.)

On March 2, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on April 11, 1925, an amended libel praying the seizure and condemnation of 56 pounds of alleged coffee, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Private Estate Coffee Co., December 24, 1924, in interstate commerce into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "From 'Private Estate' Coffee Company, New York." The paper bags containing the article were rubber stamped on the bottom of the bag, "Coffee & Chicory," in very small type, and "16 Oz. Net," in somewhat larger type.

Adulteration of the article was alleged in the libel for the reason that a substance, chicory, and an unidentified brown vitreous substance, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and for the further reason that so-called coffee made from foreign substances, to wit, chicory, had been substituted wholly or in part for coffee.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit,

coffee, for the further reason that the statement "Coffee," borne on the label, was false and misleading, in that the article contained chicory and an unidentified brown vitreous substance, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 12, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be confiscated and destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14064. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19026. I. S. No. 19041–v. S. No. C–4488.)

On September 27, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 boxes of cheese, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., September 23, 1924, in interstate commerce into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Chicago Cheese & Farm Products Co. Chicago, Illinois Daisy Brand Dutch Cheese."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Cheese," borne on the label, was false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the statement "Cheese," borne on the label, was false and misleading, in that the product contained foreign fat and was an imitation of cheese.

On July 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14065. Adulteration of chestnuts. U. S. v. 143 Bags of Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20553. I. S. No. 8076–x. S. No. E–5537.)

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 143 bags of shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Elado Perez, from Coruna, Spain, January 3, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On January 23, 1926, Unanue & Lopez, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,200, in conformity with section 10 of the act, conditioned in part that it be sorted so as to separate the good nuts from the bad and that the bad portion be denatured or destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14066. Adulteration and misbranding of maple sugar. U. S. v. 314 Pails of Maple Sugar. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 20132. I. S. No. 24883–v. S. No. E–5342.)

On June 19, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 314 pails of maple sugar, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. Waite & Son, from Enosburg Falls, Vt., on or about May 19, 1925, and trans-

ported from the State of Vermont into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, cane sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and in that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 6, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14067. Misbranding of Milam. U. S. v. 46 Bottles, et al., of Milam. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20706, 20707. S. Nos. E–5607, E–5608.)

On December 11, 1925, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 66 bottles of Milam, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Perry Drug Co., from Winston-Salem, N. C., in part April 1, 1925, and in part May 4, 1925, and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it consisted of extracts of plant drugs, nitric acid, salicylic acid, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For Good Blood * * * in the treatment of diseases arising from impure, impoverished or acid blood. Is valuable in all run-down and depleted conditions, and is recommended for appetite and digestion," (carton) "For Blood, Bone And Skin * * * in the treatment of all diseases arising from Impure, Impoverished, or acid blood. Is valuable in all run down and depleted conditions, and is recommended for appetite and digestion, or wherever there is need of an Alterative Tonic * * * For Good Blood, Rheumatism, Gout and other Uric Acid Conditions. Eczema, Scrofula and all Skin Diseases, Boils, Carbuncles, Chronic Sores, Blood Poison, Anemia or Impoverished Blood, Certain forms of Failing Vision, Poison Oak and Ivy, Loss of Appetite and all Run Down Conditions. * * * In severe cases of blood diseases, after the patient is apparently cured, several more bottles should be taken, to eradicate all the poison."

On January 29, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14068. Adulteration and misbranding of feeds. U. S. v. Mississippi Elevator Co. Plea of guilty. Fine, $80.** (F. & D. No. 19648. I. S. Nos. 7193–v, 9129–v, 9134–v, 10734–v.)

On August 26, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Elevator Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about October 19, 1923, from the State of Tennessee into the State of Alabama, and on or about October 23 and December 7, 1923, and February 5, 1924, respectively, from the State of Tennessee into the State of Mississippi, of quantities of feeds which were adulterated and misbranded. One shipment was labeled in part: "Prize Dairy Composed Of Cotton Seed Meal, Corn Meal, Wheat Bran, Wheat Shorts, Corn Bran, Corn Hearts, Gluten Feed, Alfalfa Meal, and not over 1% salt. Guaranteed Analysis: Protein Minimum 24.00 Fat Minimum 5.00 * * * Fiber

Maximum 10.00 Manufactured By Mississippi Elevator Co., Memphis, Tenn." Three shipments were labeled in part: "Breeze H. & M. Feed Manufactured By Mississippi Elevator Co. Memphis, Tennessee Composed Of Cracked Corn, Oats, Oat Feed (oat middlings, oat dust and oat hulls), Alfalfa Meal, Molasses, and ½ of 1% salt. Guaranteed Analysis: Protein minimum 9.00."

Analysis by the Bureau of Chemistry of this department of a sample of the Prize dairy feed showed that it contained 21.8 per cent protein, 4.50 per cent fat and 11.39 per cent crude fiber. Analysis of a sample of the Breeze H. & M. feed from each of the shipments showed that they contained 8.02 per cent, 7.55 per cent, and 7.53 per cent protein.

Adulteration of the Prize dairy feed was alleged in the information for the reason that a feed deficient in protein and fat and containing excessive fiber had been substituted for the article.

Adulteration of the Breeze H. & M. feed was alleged for the reason that a feed deficient in protein, in that it contained less than 9 per cent of protein, had been substituted for a feed guaranteed to contain 9 per cent of protein, which the said article purported to be.

Misbranding of the Prize dairy feed was alleged for the reason that the statements, to wit, "Composed Of Cotton Seed Meal, Corn Meal, Wheat Bran, Wheat Shorts, Corn Bran, Corn Hearts, Gluten Feed, Alfalfa Meal, and not over 1% salt." and "Guaranteed Analysis: Protein Minimum 24.00 Fat Minimum 5.00 * * * Fiber Maximum 10.00," borne on the tag attached to the sack containing the article, were false and misleading, in that the said statements represented that the article was composed only of and contained all of the above-named ingredients, and contained a minimum of 24 per cent of protein and 5 per cent of fat and a maximum of not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed only of and contained all of the above-named ingredients, and contained not less than 24 per cent of protein and not less than 5 per cent of fat and not more than 10 per cent of fiber, whereas the said article did not contain wheat bran, alfalfa meal, and corn meal, it contained only a trace of corn hearts, it contained undeclared ingredients, to wit, corn feed meal, alfalfa stems and flax plant waste, and contained less than 24 per cent of protein, less than 5 per cent of fat, and more than 10 per cent of fiber.

Misbranding of the said Breeze H. & M. feed was alleged for the reason that the statements, to wit, "Composed Of * * * Alfalfa Meal" and "Guaranteed Analysis: Protein minimum 9.00," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained a substantial quantity of alfalfa meal and contained 9 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained a substantial quantity of alfalfa meal and contained 9 per cent of protein, whereas it did not contain a substantial quantity of alfalfa meal but one lot of the product contained no alfalfa meal, a second lot contained a mere trace of alfalfa meal, and a third lot contained a small amount of very stemmy alfalfa, and the said article did not contain 9 per cent of protein but did contain a less amount.

On November 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $80.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14069. Misbranding of coffee. U. S. v. J. A. Folger & Co. Plea of guilty. Fine, $100.** (F. & D. No. 19684. I. S. Nos. 12164–v, 12166–v, 12169–v, 12171–v, 12172–v, 20512–v, 20513–v, 20514–v, 20516–v, 20525–v, 20526–v, 20531–v, 20532–v, 20533–v.)

On November 18, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. A. Folger & Co., a corporation, San Francisco, Calif., alleging shipment by said company, in various consignments, between the dates of March 29, 1924, and February 28, 1925, from the State of California in part into the State of Washington, in part into the State of Idaho, and in part into the Territory of Alaska, of quantities of coffee which was misbranded in violation of the food and drugs act as amended. The articles were labeled: "Folger's Golden Gate Coffee 2½ Pounds Net Weight" (or "Two Pounds Net Weight" or "Five Pounds Net Weight") "J. A. Folger & Co. Kansas City San Francisco," and "Shasta Steel Cut Coffee Five Pounds Net Weight" (or "One Pound Net Weight") "J. A. Folger & Co. Kansas City San Francisco."

Misbranding of the article was alleged in substance in the information for the reason that the statements, "2½ Pounds Net Weight," "Five Pounds Net Weight," "One Pound Net Weight," or "Two Pounds Net Weight," borne on the various sized cans containing the said article, were false and misleading, in that the said statements represented that the cans contained 2½ pounds, 5 pounds, 1 pound, or 2 pounds, as the case might be, of coffee, and for the further reason that the statements were labeled on the cans as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 2½ pounds, 5 pounds, 1 pound, or 2 pounds, as the case might be, of coffee, whereas the said cans did not contain the amount declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On December 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14070. Adulteration of canned cut string beans. U. S. v. 75 Cases, et al., of Cut String Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20722, 20737. I. S. Nos. 3885–x, 3886–x, 9543–x. S. Nos. C–4909, C–4917.)

On or about December 21 and 29, 1925, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 318 cases of canned cut string beans, remaining in the original unbroken packages at San Marcos, Tex., alleging that the article had been shipped by Appleby Bros., in various consignments, namely, on or about August 5, 1925, from Fayetteville, Ark., and on or about September 23, 1925, from West Fork, Ark., and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Western Star Brand Cut String Beans Put Up By Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about January 28, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14071. Adulteration of frozen eggs. U. S. v. 465 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20770. I. S. Nos. 5776–x, 5777–x, 5779–x, 5780–x, 5781–x. S. No. E–5612.)

On January 15, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 465 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Cappel, Garrard Co., from Peoria, Ill., between the dates of June 9 and July 13, 1925, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Creve Coeur Brand Frozen Whole Eggs 30 Lbs. Net Weight Cappel, Garrard Co."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 1, 1926, the Cappel, Garrard Co., Peoria, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the said product be salvaged under the supervision of this department and the good portion released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14072. Adulteration of canned sardines. U. S. v. 9 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20291, 20293 to 20299, incl., 20349, 20350, 20351, 20408, 20415. I. S. Nos. 6810–x, 6811–x, 6812–x, 6826–x, 6827–x, 6912–x, 6941–x. S. Nos. E–5445, E–5446, E–5489, E–5491.)

On July 29 and 30, August 17 and 19, and September 8, 1925, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 832 cases of canned sardines, in various lots at Scranton, Wilkes-Barre, and Pittston, Pa., alleging that the article had been shipped by the Maine Cooperative Sardine Co., in violation of the food and drugs act, in various consignments, namely, on or about June 11, 1925, from St. Andrews, New Brunswick, Canada, on or about June 18, 1925, from Eastport, Me., and on or about July 13 and 27, 1925, respectively, from Lubec, Me., and that the said product had been transported in interstate commerce, and charging adulteration in violation of the food and drugs act. The article was labeled, variously: (Can) "Banquet Brand American Sardines * * * Packed At Eastport, Washington Co., Me. By L. D. Clark & Son"; "Sea Lion Brand Maine Sardines * * * Packed by Seacoast Canning Co. Eastport" (or "Lubec") "Me."; or "Conqueror Brand Maine Sardines * * * Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 11 and February 8 and 10, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14073. Misbranding and alleged adulteration of powdered milk. U. S. v. 91 Barrels of Powdered Milk. Decree entered, finding product misbranded and ordering its release under bond.** (F. & D. No. 19019. I. S. No. 22755–v. S. No. C–4495.)

On September 29, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 91 barrels of powdered milk, at Kansas City, Mo., alleging that the article had been shipped by the Cream-O-Milk Co., from Larned, Kans., on or about August 26, 1924, and transported from the State of Kansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Whole Milk Powder."

It was alleged in substance in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the barrels.

On October 29, 1924, the Cream-O-Milk Co., Larned, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered, finding the product misbranded, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be salvaged and relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14074. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19801. I. S. No. 5070–v. S. No. C–4640.)

On January 30, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, at Kansas City, Mo., alleging that the article had been shipped by the Peppers Fruit Co., from Colton, Calif., on or about January 22, 1925, and transported from the State of California into

the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Century Brand Sweetest Yet Quality Peppers Fruit Co. California Wash. Navels."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On February 4, 1925, the Peppers Fruit Co., claimant, having admitted the allegations of the libel and having consented that judgment be entered for the condemnation and forfeiture of the property, a decree of the court was entered, finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the oranges be salvaged under the supervision of this department and the decomposed portion removed therefrom and destroyed.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14075. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19562. I. S. No. 23098–v. S. No. C–4628.)

On or about January 30, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by D. Kellerman, per A. Tarrish, from Bryn Mawr, Calif., on or about January 22, 1925, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Redlands Jack Redlands Orangedale Groves Inc., Redlands, California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On February 5, 1925, D. Kellerman, per A. Tarrish, claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, finding the product adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be salvaged and the decomposed oranges removed therefrom and destroyed.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14076. Misbranding of corned beef. U. S. v. Jacob Dold Packing Co. Plea of guilty. Sentence suspended.** (F. & D. No. 12344. I. S. No. 14777–r.)

On November 23, 1920, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Jacob Dold Packing Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about July 29, 1918, from the State of New York into the State of New Jersey, of a quantity of corned beef which was misbranded. The article was labeled in part: "Domestic Meat Label Est. 42–C U. S. N."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "U. S. N.," borne on the boxes containing the article, was false and misleading, in that the said statement represented that the article had been inspected, and passed as conforming to the standard required by the United States Navy, and for the further reason that it was labeled so as to deceive and mislead the purchaser into the belief that it had been inspected, and passed as conforming to the standard required by the United States Navy, when, in truth and in fact, it had not been inspected, and had not been passed as conforming to the standard required by the United States Navy, and did not conform to the said standard.

On April 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that sentence be suspended.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14077. Adulteration of canned shrimp. U. S. v. 24¾ Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20723. I. S. No. 5457–x. S. No. E–5555.)

On December 18, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24¾ cases of canned shrimp, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Houma Packing Co., Inc., Houma, La., and transported from the State of Louisiana into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14078. Adulteration of chestnuts. U. S. v. 9 Cases of Chestnuts. Default decree of forfeiture and destruction.** (F. & D. No. 19412. I. S. No. 22138–v. S. No. C–4588.)

On December 23, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of chestnuts, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by P. Pastene & Co., from Boston, Mass., November 19, 1924, and transported from the State of Massachusetts into the State of Michigan, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 12, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14079. Misbranding of A. D. S. special kidney and bladder pills. U. S. v. 31 Packages of A. D. S. Special Kidney and Bladder Pills. Default decree of confiscation and destruction entered.** (F. & D. No. 19449. I. S. No. 17716–v. S. No. C–4598.)

On December 30, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 31 packages of A. D. S. special kidney and bladder pills, remaining in the original unbroken packages at Lansing, Mich., alleging that the article had been shipped by the American Druggists Syndicate, Chicago, Ill., October 17, 1924, and transported from the State of Illinois into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of hexamethylenetetramine and extracts of plant drugs, including small quantities of resins and volatile oils mixed with magnesium carbonate, coated with sugar and calcium carbonate and colored blue on the surface.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative or therapeutic effects of the said article: "Kidney And Bladder Pills A Treatment Indicated In Simple Inflammatory Conditions Of The Kidneys and Bladder, Bladder Irritation, Non-retention of Urine, Scanty or Scalding Urine," were false and fraudulent, since the said article contained no ingredient or substance which had the curative or therapeutic effects claimed.

On May 12, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be confiscated, and destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14080. Adulteration and misbranding of Dutch cheese. U. S. v. 10 Boxes of Dutch Cheese. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19489. I. S. No. 19043–v. S. No. C–4609.)

On January 12, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 boxes of Dutch cheese, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., in interstate commerce into the State of Michigan, on January 6, 1925, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Brand Dutch Cheese Chicago Cheese & Farm Products Co. * * * This product is made of natural soured curd, free from animal fat, flavored with nut substance. Complies with all Pure Food Laws."

Adulteration of the article was alleged in the libel for the reason that coconut oil had been mixed with the said article so as to injuriously affect its quality and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cheese, for the further reason that the statement "Cheese," borne on the label, was false and misleading, in that the product contained a foreign fat, to wit, coconut oil, and for the further reason that the label upon the packages contained the statement that the product complied with the pure food law.

On February 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14081. Adulteration and misbranding of canned tuna fish. U. S. v. 10 Cases of Tuna. Default order of confiscation and destruction entered.** (F. & D. No. 19942. I. S. No. 24590–v. S. No. C–4689.)

On March 28, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of tuna fish, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., February 22, 1925, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Juanita Brand California Tuna Standard All Light Meat * * * Bico Distributing Co. New York."

Adulteration of the article was alleged in the libel for the reason that a substance other than tuna had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tuna Standard All Light Meat," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 12, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be confiscated, and destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14082. Misbranding and alleged adulteration of tomato paste. U. S. v. 10 Cases, et al., of Tomato Paste. Decrees of condemnation and forfeiture entered. Product released under bond.** (F. & D. Nos. 20206, 20286, 20287. I. S. Nos. 4801–x, 4804–x, 4807–x, 4808–x. S. Nos. E–5423, E–5440, E–5441.)

On July 16 and 31, 1925, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 55 cases of tomato paste, in part at San Juan, P. R., and in part at Mayaguez, P. R., alleging that the article had been shipped by Cook & Co., New Orleans, La., on or about the respective dates of May 12, 22, and 29 and June 26, 1925, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adultera-

tion and misbranding in violation of the food and drugs act. One shipment of the article was labeled: "Buffalo Brand Tomato Paste. * * * Puro Di Pomidoro Packed By V. Taormina & Co. New Orleans." The remainder of the said article was labeled: "Buffalo Brand Tomato Paste * * * Puro Di Pomidoro Packed By Uddo Bros. Co., Inc., New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, artificially colored tomato paste, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Paste" and "Puro Di Pomidoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On September 12, 1925, Cook & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of the court were entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $950, conditioned that it not be sold or otherwise disposed of contrary to law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14083. Adulteration and misbranding of ice cream. U. S. v. Arctic Dairy Products Co. Plea of guilty. Fine, $40.** (F. & D. No. 18582. I. S. Nos. 5063–v, 5350–v.)

On April 21, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arctic Dairy Products Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about August 7 and 9, 1923, respectively, from the State of Missouri into the State of Kansas, of quantities of ice cream which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, coconut oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for ice cream, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the article was a product composed in part of coconut oil, prepared in imitation of ice cream, and was offered for sale and sold under the distinctive name of another article, to wit, ice cream.

On November 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $40.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14084. Misbranding and alleged adulteration of oysters. U. S. v. 80 Cases and 147 Cases of Oysters. Decree entered, adjudging product to be misbranded and ordering its release under bond.** (F. & D. No. 18441. I. S. Nos. 5209–v, 5210–v. S. No. C–4310.)

On or about March 5, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 227 cases of oysters, at Kansas City, Mo., alleging that the article had been shipped by the Marine Products, Inc., from Biloxi, Miss., on or about January 11, 1924, and transported from the State of Mississippi into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Konisur Brand Cove Oysters Packed By Sea Food Co. Biloxi, Miss. Contents 10 Ounces" (or "Contents 5 Ounces").

It was alleged in substance in the libel that the article was adulterated, in that excessive brine had been mixed and packed with the product so that its quality and strength had been reduced and lowered and in that brine had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements borne on the labels "10 Ounces" and "5 Ounces," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On April 28, 1924, the Marine Products, Inc., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented that judgment might be entered for the condemnation and forfeiture of the property, a decree of the court was entered, finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until it had been salvaged, and relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14085. Adulteration of canned sardines. U. S. v. 284 Cases, et al., of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19136. I. S. Nos. 19561–v, 19562–v, 19563–v. S. No. C–4043.)

On November 10, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 284 cases and 24 cans of sardines, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by L. D. Clark & Son, Eastport, Me., on or about June 18, 1924, and transported from the State of Maine into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines * * * Packed At Eastport, Washington Co. Me. By L. D. Clark & Son."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 19, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14086. Adulteration of dried chestnuts. U. S. v. 90 Bags of Dried Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20559. I. S. No. 7099–x. S. No. E–5538.)

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 bags of dried shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Luigi & Mose Righenzi, from Cuneo, Italy, on or about January 3, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On December 20, 1925, the Cuneo Importing Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $700, in conformity with section 10 of the act, conditioned in part that the said product be sorted so as to separate the good nuts from the bad, that it be inspected by a representative of this department, and the bad nuts denatured or destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14087. Adulteration of pitted cherries. U. S. v. 1 Barrel of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20522. I. S. No. 6946–x. S. No. E–5520.)

On October 20, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 barrel of pitted cherries, at Newark, N. J., alleging that the article had been shipped by Dale & Pugh, Middleport, N. Y., on or about July 15, 1925, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dalecrest Pack Pitted Cherries H. W. Dale Lockport, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14088. Misbranding of Angelus compound sirup of hypophosphites. U. S. v. 10 Bottles of Angelus Compound Sirup of Hypophosphites. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17150. I. S. No. 7975–v. S. No. W–1281.)

On January 13, 1923, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 bottles of Angelus compound sirup of hypophosphites, at Phoenix, Ariz., alleging that the article had been shipped by the Brunswig Drug Co., Los Angeles, Calif., on or about May 12, 1922, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it consisted of sodium, iron, manganese, quinine and strychnine hypophosphites, traces of calcium and potassium salts, glycerin, sugar, and water.

It was alleged in substance in the libel that the article was misbranded, in that the following statements regarding its curative and therapeutic effects, borne on the bottle label: For the treatment of wasting and debilitating diseases, such as Consumption, Bronchitis, Asthma, Dyspnoea, Hoarseness and Congestion. Particularly serviceable in building up and restoring tone to the entire nervous system. * * * Excellent as a brain tonic and recommended in all morbid mental conditions," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14089. Adulteration and misbranding of caviar. U. S. v. 124 Cans, et al., of Caviar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20103, 20128. I. S. Nos. 23969–v, 23970–v, 23972–v. S. Nos. C–4741, C–4749.)

On June 9 and 19, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7 cases and 185 cans of caviar, at Chicago, Ill., alleging that the article had been shipped by James P. Smith & Co., from New York, N. Y., in part on or about March 17, 1925, and in part on or about April 17, 1925, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Riviera Brand Caviar Packed By Imported Caviar Packing Co. New York."

Adulteration of the article was alleged in substance in the libels for the reason that a substance, roe other than sturgeon, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Caviar," borne on the cans containing the article, was false and misleading, in that the word "Caviar" had been applied to roe other than sturgeon, and for the further reason that the article was sold under the distinctive name of another article, namely, caviar, which it purported to be.

On September 3, 1925, the cases having been consolidated into one cause of action and the James P. Smith Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until plainly, correctly, and conspicuously labeled.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14090. Adulteration of canned cherries. U. S. v. 384 Cases of Canned Cherries. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction entered.** (F. & D. No. 20017. I. S. Nos. 8866–v, 8867–v. S. No. C–5014.)

On April 18, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 384 cases of canned cherries, at Akron, Ohio, alleging that the article had been shipped by the Fredonia Preserving Co., from Fredonia, N. Y., on or about August 11, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Roselle Brand Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 12, 1925, the Fredonia Preserving Co., Fredonia, N. Y., having appeared as claimant for the property, the case came on for trial before the court without a jury. After the submission of evidence and arguments by counsel the court pronounced judgment for the Government as will more fully and at large appear from the following opinion (Westenhaver, *D. J.*):

"This libel is filed under act of Congress, June 30, 1906, known as the food and drugs act, against 384 cases, more or less, of cherries. The Fredonia Preserving Co., of New York, has intervened as claimant and makes defense. It is admitted that these cases of cherries were shipped by the claimant in interstate commerce to the Summit Wholesale Grocery Co., at Akron, Ohio. Condemnation is sought on the ground that these cases of cherries consist in whole or in part of filthy, decomposed, or putrid vegetable or animal substance, contrary to and in violation of section 7, paragraph 6 under "Food" of said food and drugs act. Neither party demanding a jury, the case was tried to the court.

"The Government was permitted to withdraw 30 cans at random from the several cases and have tests and examinations made of the contents by chemists. The claimant was permitted to withdraw in like manner a dozen cans and have examinations and tests made thereof by an expert chemist. The claimant's counsel conceded on the hearing that the cans were fairly drawn and were typical of the entire shipment.

"The Government's witnesses testified that each can contained decomposed and spotted cherries and also worms or larvae. Each can contained between 875 and 980 cherries. In one group of six cans, the average number of larvae or worms in the can was 39.3. The highest number in any one can was 119 worms, and the lowest, 18. In the same lot of six cans the average number of decomposed or spotted cherries was 43. The highest in any one can was 107, and the lowest, 8. The Government witness testified that in another lot of 12 cans the average number of worms to the can was 75. The highest in any one can was 353, and the lowest, 10. In the same group the average number of decomposed and spotted cherries to each can was 22.8. The highest number in any one can was 47, and the lowest, 3. The Government witness testified that in still another group of 12 cans the average number of worms to each can was 25.6. The highest number in any one can was 71, and the lowest, 2. In the same group, he testified, the average number of decomposed and spotted cherries to each can was 32.4. The highest number to any one can was 78, and the lowest, 10. In the group of six cans examined by respondent's expert he divides the so-called worms into two families, the offspring of the cherry fly and the offspring of the curculio; but for our purposes the totals only of both need be stated. He testified that the average number of worms or larvae found in each was 28. The highest number in any one can was 53, and the lowest, 11. He testified that the average number of cherries in each can showing fungus growth was 53. The highest in any one can, he testified, was 77, and the lowest, 21. He excludes from this classification all cherries showing merely a brown spot or its equivalent on one or both sides, because mere spots, while perhaps evidence of the beginning of decomposition or rot, do not indicate such an advanced state of decomposition as would be the equivalent of rot or decay or disintegration of the substance of the cherry.

"Thus it appears that there is little or no difference between the results as given by witnesses for libellant and for claimant. It was conceded that the cans were fairly drawn and were typical. It was found that every can contained worms, averaging in one group of six, 43 to the can; in another group of twelve, 75 to the can; in another group of twelve, 25.6 to the can; and in the group examined by respondent's witnesses, 28 to the can. In one can

the number ran as high as 353 and was only rarely below 12. Hence the presence of cherry fly or curculio larvae in substantial numbers in each can can not be denied. The larvae thus found were preserved in glass vials and produced and exhibited in evidence. The sight of them makes a very disagreeable, not to say repulsive, impression on the trier of facts. Equal certainty is not possible in weighing the evidence as to decomposition or decay. The cherries were seeded before being canned. The mutilation and disintegration incident to manufacturing and subsequent handling make it difficult for a nonexpert witness to distinguish between sound and decomposed or decayed cherries. Even so, the results as testified to by the Government witnesses are substantially the same as given by claimant's expert. The decomposed cherries, as well as some samples of sound cherries, are preserved. The impression made on me is that the Government witnesses were not resolving doubts against claimant.

"Upon the basis of the above facts I am of the opinion that these cases of cherries must be condemned as adulterated. Evidence that adulteration is injurious to health is not required. Whether an adulterated product should be condemned is not dependent on the degree of care the manufacturer exercised in producing it. It is still subject to condemnation if shipped in interstate commerce, even though the manufacturer was unable to procure cherries free from worms or free from decomposition. Claimant urges that some margin of tolerance should be allowed because it is impossible to produce a food product 100 per cent pure. The food and drugs act has not established a precise standard whereby adulteration can be determined. Because of this fact the courts have uniformly permitted each case to be judged upon its own special facts. It would be unwise, even if practicable, to establish a standard of count whereby a can of cherries should be condemned if that standard were exceeded. It is sufficient in the present case to say that the adulteration, particularly in the number of worms, exceeds any reasonable allowance for accidents or results unavoidable by the exercise of due care.

"The authorities need not be reviewed. I am informed by counsel that Hon. John C. Knox, United States District Judge, in a recent case involving a shipment of cherries made by the same claimant and presenting facts substantially the same, announced the law as herein set forth, and, when the jury returned a verdict in claimant's favor, set it aside as against the clear weight of the evidence. The principles of law and the application thereof to a situation somewhat analogous will be found set forth in the following cases to which reference is made:

"United States v. 200 Cases Catsup (D. C.), 211 Fed. 780. United States v. 462 Boxes Oranges (D. C.), 249 Fed. 505. Union Dairy Co. v. United States (7. C. C. A.), 250 Fed. 231. Anderson & Co. v. United States (9 C. C. A.), 284 Fed. 542.

"Judgment of condemnation will be entered, with costs against claimant. An exception may be noted."

On December 18, 1925, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14091. Misbranding of candy. U. S. v. Sophie Mae Candy Corporation. Plea of guilty. Fine, $50.** (F. & D. No. 19593. I. S. Nos. 18126–v, 18135–v, 18137–v.

On March 17, 1925, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sophie Mae Candy Corp., Atlanta, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 4, 1923, and February 5, 1924, respectively, from the State of Georgia into the State of Mississippi, and on or about December 14, 1923, from the State of Georgia into the State of Louisiana, of quantities of candy which was misbranded. A portion of the article was labeled in part: "Sophie Mae Atlanta * * * Fancy Stick Candy * * * Full Pound 39¢ Sophie Mae Stick Candy." The remainder of the said article was labeled in part: "Sophie Mae Atlanta Candies of Quality Chocolate Chocolate Caramel."

Misbranding was alleged in the information with respect to the stick candy for the reason that the statement "Full Pound," borne on the packages containing the said stick candy, was false and misleading, in that the said statement represented that the packages contained 1 full pound of candy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead

the purchaser into the belief that the packages contained 1 full pound of candy, whereas the said packages did not contain a full pound of candy but did contain a less amount. Misbranding was alleged with respect to each of the products for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated on the packages of the stick candy represented more than the actual contents of the package and in that the packages of the chocolate caramel bore no statement as to the quantity of the contents.

On February 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14092. Adulteration of tomato puree. U. S. v. 1,157 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20729. I. S. Nos. 4342–x, 4343–x. S. No. C–4913.)

On December 21, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,157 cases of tomato puree, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgan & Adams Co., Cayuga, Ind., in part on or about September 24, 1925, and in part on or about October 5, 1925, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14093. Adulteration of condensed milk. U. S. v. 2 Cases and 30 Cans of Condensed Milk. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20583. I. S. No. 4326–x. S. No. C–4856–C.)

On November 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases and 30 cans of condensed milk, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Bell Grocery Co., Inc., Pineville, Ky., on or about September 14, 1925, and transported from the State of Kentucky into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 1, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14094. Misbranding of San Tox kidney and bladder pills. U. S. v. 11 Dozen Bottles of San Tox Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20733. I. S. No. 2028–x. S. No. C–4919.)

On December 24, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 dozen bottles of San Tox kidney and bladder pills, at Cincinnati, Ohio, consigned by the DePree Co., Holland, Mich., alleging that the article had been shipped from Holland, Mich., in interstate commerce into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Kidney and Bladder Pills," (carton) "Kidney & Bladder Pills Recommended for derangements of the Kidney and Bladder," (circular) "Kidney and Bladder Pills * * * anything irregular about the action of his

kidneys or bladder * * * Too often, the well known symptons which indicate trouble in the kidneys and bladder are neglected at the start, when a simple form of treatment would doubtless avert the more serious troubles which so frequently follow this neglect. For such cases we recommend San-Tox Kidney and Bladder Pills, a simple but extremely effective treatment * * * These pills, through removing the cause of congestion, will prove of such great benefit in stimulating action, allaying inflammation, and relieving catarrhal conditions in kidneys and bladder, that one will notice relief almost as soon as the treatment starts * * * Frequently some kidney or bladder disorder, which is not in itself of a dangerous nature, but which causes constant backache or pains, will quickly respond to the healing, soothing, antiseptic action * * * kidney remedy."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the pills contained potassium nitrate and material derived from plants including juniper oil, Venice turpentine, cascara sagrada, uva ursi, and pichi.

Misbranding of the article was alleged in substance in the libel for the reason that the labels of the bottle and carton containing the said article and the accompanying circular bore statements regarding the curative and therapeutic effects of the said article which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 4, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14095. Adulteration and misbranding of assorted preserves. U. S. v. 70 Cases of Assorted Preserves. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 19012. I. S. Nos. 19476–v, 19477–v, 19478–v, 19479–v. S. No. C–4487.)

On September 23, 1924, the United States attorney for the District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 70 cases of assorted preserves, at Okmulgee, Oklahoma, alleging that the article had been shipped by the Goodwin Preserving Co., from Louisville, Ky., on or about August 2, 1924, and transported from the State of Kentucky into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. The preserves were labeled in part: (Jar) "O B Brand Strawberry" (or "Peach" or "Blackberry" or "Raspberry") "Preserves With Apple Pectin * * * Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A."

It was alleged in substance in the libel that the article was adulterated in violation of section 7, paragraphs 1 and 2 under food, in that tartaric acid had been added to the said article.

Misbranding was alleged for the reason that the statements, "Strawberry," "Peach," "Blackberry," or "Raspberry Preserves," borne on the labels, were false and misleading and deceived and misled the purchaser.

On February 6, 1926, the product having been theretofore taken down under bond by the claimant, the Okmulgee Wholesale Grocery Co., Okmulgee, Okla., a decree of condemnation and forfeiture was entered, nunc pro tunc, as of September 28, 1925, said decree providing that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14096. Adulteration of canned cherries. U. S. v. 95 Cases of Canned Cherries. Product ordered released under bond.** (F. & D. No. 19530. I. S. No. 13486–v. S. No. E–4969.)

On January 22, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 95 cases of canned cherries, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Egypt Canning Co., from Fairport, N. Y., on or about September 30, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pride Of Egypt Brand Red Sour Pitted

Cherries * * * Guaranteed And Distributed By Egypt Canning Co., Inc. Egypt, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 4, 1925, the Egypt Canning Co. having appeared as claimant for the property, an order of the court was entered, providing for the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $400, in conformity with section 10 of the act, said order providing further that the product be examined by a representative of this department before its distribution.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14097. Adulteration of shell eggs. U. S. v. 12 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20705. I. S. No. 339-x. S. No. W-1822.)

On November 20, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by the Rexford Ice & Storage Co., Rexford, Kans., alleging that the article had been shipped from Rexford, Kans., on or about November 11, 1925, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Rexford Ice & Storage Co. * * * Rexford, Kansas."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On December 8, 1925, the Rexford Ice & Storage Co., Rexford, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, conditioned in part that it not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14098. Adulteration of shell eggs. U. S. v. 9 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20748. I. S. No. 348-x. S. No. W-1830.)

On December 3, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by the Alma Produce Co., Alma, Nebr., alleging that the article had been shipped from Alma, Nebr., on or about November 17, 1925, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Alma Produce Company, Alma, Nebraska."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On December 17, 1925, the Alma Produce Co., Alma, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, conditioned in part that it not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14099. Adulteration and misbranding of cottonseed meal. U. S. v. Planters Cotton Oil Co. Plea of guilty. Fine, $100.** (F. & D. No. 19658. I. S. No. 16334-v.)

On July 25, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Cotton Oil Co., Tifton, Ga., alleging shipment by said company, in

violation of the food and drugs act, on or about September 17, 1924, from the State of Georgia into the State of Florida, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Second Class Cotton Seed Meal Manufactured by Planters Cotton Oil Company Tifton, Georgia Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent to 36% protein)."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed 6.68 per cent ammonia or 34.3 per cent protein.

Adulteration of the article was alleged in the information for the reason that an article containing less than 7 per cent of ammonia, the equivalent of 36 per cent of protein, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Second Class Cotton Seed Meal * * * Guaranteed Analysis Ammonia (actual and potential) 7.00% (Equivalent to 36% protein)," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article was second class cotton seed meal containing 7 per cent of ammonia, the equivalent of 36 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was second class cotton seed meal containing 7 per cent of ammonia, the equivalent of 36 per cent of protein, whereas it was cotton seed feed containing less than 7 per cent of ammonia, less than the equivalent of 36 per cent of protein.

On January 5, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14100. Misbranding of Whitlock's U-G-R-G-L. U. S. v. 20 Bottles of Whitlock's U-G-R-G-L. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20513. I. S. No. 1501–x. S. No. C–4833.)

On or about October 30, 1925, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 bottles of Whitlock's U-G-R-G-L, remaining unsold in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Cherokee Remedy Co., from Chicago, Ill., August 27, 1925, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "for the prevention of disease * * * benefits in stomach troubles and intestinal infections and diseases of the bladder * * * for cuts, wounds, insect bites, skin eruptions and infections of all kinds, such as Diphtheria, Tonsilitis, etc. * * * germs that cause so much trouble can often be destroyed in the mouth, nose and air passages before they enter the stomach or lungs * * * For internal use * * * for Indigestion, Bladder or any Intestinal troubles * * * Cuts * * * Insect bites, Skin Eruptions and Infected Wounds * * * Granulated Eye Lids."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the product consisted essentially of a dilute solution of sodium carbonate in water, flavored with menthol.

Misbranding of the article was alleged in substance in the libel for the reason that the statements above set forth, borne on the labels, were false and misleading, in that the product contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On January 8, 1926, J. T. Whitlock, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, finding that the product should be condemned, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be relabeled in compliance with the law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

# INDEX TO NOTICES OF JUDGMENT 14051 TO 14100



[1] Contains judgment of the court.



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# United States Department of Agriculture

# SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 14101–14150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 22, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14101. Misbranding of butter. U. S. v. Corvallis Creamery Co. Plea of guilty. Fine, $240.** (F. & D. No. 19688. I. S. Nos. 23413–v, 23415–v, 23416–v, 23419–v, 23420–v, 23421–v, 23423–v to 23438–v, incl., 23446–v, 23447–v.)

On December 16, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Corvallis Creamery Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 17, 20, 21, 25, and 26, and June 11, 1925, respectively, from the State of Oregon into the State of Washington, of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Gold Medal Brand Butter," (paper wrapper) "Weight Four Ounces" (or "Weight One Pound" or "Two Pounds Net Weight") "Oregon Creamery Butter No. 40 Manufactured By Corvallis Creamery Co., Inc. Portland, Oregon."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Weight Four Ounces," "Weight One Pound," and "Two Pounds Net Weight," borne on the wrappers enclosing the said article, were false and misleading, in that the said statements represented that the wrappers contained 4 ounces, 1 pound, or 2 pounds of butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the wrappers contained 4 ounces, 1 pound, or 2 pounds of butter, as the case might be, whereas the wrappers did not contain the amount of butter declared thereon but did contain a less amount than so declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 16, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $240.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14102. Adulteration of canned cherries. U. S. v. 68½ Cases, et al., of Cherries. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20571 to 20576, incl. I. S. Nos. 684–x, 741–x, 744–x. S. Nos. W–1803, W–1804.)

On November 6, 1925, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 476⅓ cases of canned cherries, at San Francisco, Calif., alleging that the article had been shipped by the Walker Canning Co., from Independence, Oreg., August 8, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. One hundred and four cases were labeled in part: (Can) "Ugene Brand Pitted Black Cherries Oregon Fruit Packed By Eugene Fruit Growers Association Eugene Oregon." The cans in the remaining cases were unlabeled except in 68½ cases, which were labeled in part: (Can) "Monogram Brand Solid Pack Black Pitted Cherries."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14103. Adulteration of canned cherries. U. S. v. 19 Cases, et al., of Canned Black Cherries. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20676, 20714. I. S. Nos. 773–x, 774–x, 775–x, 1053–x, 1055–x, 1056–x, 1079–x. S. No. W–1824, W–1833.)

On November 30 and December 11, 1925, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 346 cases of canned black cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the California Packing Corp., from Portland, Oreg., in various consignments between the dates of July 27 and October 21, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Black Cherries California Packing Corporation Main Office San Francisco, Cal."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14104. Misbranding of poultry food. U. S. v. 129 Sacks, et al., of Poultry Food. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20828, 20829, 20830. I. S. Nos. 10457–x, 10460–x, 10467–x. S. Nos. W–1864, W–1865, W–1867.)

On February 8 and 9, 1926, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 269 sacks of poultry food, remaining in the original unbroken packages in part at East Portland, Oreg., and in part at Portland, Oreg., alleging that the article had been shipped by the Marine Products Co., Inc., from Tacoma, Wash., in various consignments, namely, on or about June 25, 1925, and January 7 and 20, 1926, and transported from the State of Washington into the State of Oregon, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Argentine Scrapsomeat Brand * * * Guaranteed Analysis Crude Protein not less than 50%."

Misbranding of the article was alleged in the libel for the reason that the statement "Crude Protein not less than 50%," borne on the label, was false and misleading and deceived and misled the purchaser.

On February 16 and 17, 1926, respectively, the Marine Products Co., Tacoma, Wash., having appeared as claimant for the property and having consented

to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $600, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14105. Adulteration and misbranding of chocolate almonds and chocolate caramels. U. S. v. Panayiotis D. Panoulias (American Chocolate Almond Co.). Plea of guilty. Fine, $100.** (F. & D. No. 17940. I. S. Nos. 359–v, 1143–v, 1144–v.)

On January 4, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Panayiotis D. Panoulias, trading as the American Chocolate Almond Co., Jersey City, N. J., alleging shipment by said defendant in violation of the food and drugs act, on or about April 27 and May 2 and 11, 1923, from the State of New Jersey into the State of New York, of quantities of chocolate almonds and chocolate caramels which were adulterated and misbranded. The articles were labeled in part: "The American Green Almond Brand Trade Mark Chocolate Almonds" (or "Chocolate Caramels") "Chocolate Almond Co., Jersey City, N. J."

Adulteration of the articles was alleged in the information for the reason that excessive shells had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements, to wit, "Chocolate Almonds" and "Chocolate Caramels," borne on the respective labels, were false and misleading, in that the said statements represented that the articles consisted wholly of chocolate almonds or chocolate caramels, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of chocolate almonds or chocolate caramels, as the case might be, whereas, in truth and in fact, they did not so consist but did consist in part of excessive shells.

On October 19, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14106. Adulteration of carob beans. U. S. v. 25 Bags of Carob Beans. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20769. I. S. No. 1074–x. S. No. W–1847.)

On January 15, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 bags of carob beans, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Joseph Petrocelli & Co., from New York, N. Y., December 11, 1925, and transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 1926, Joseph Petrocelli & Co., New York, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, conditioned in part that it be made to conform with the law under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14107. Adulteration and misbranding of vanilla extract. U. S. v. 31 Dozen Bottles of Vanilla Extract. Product condemned and destroyed.** (F. & D. No. 20145. I. S. No. 24679–v. S. No. C–5018.)

On or about June 25, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States for said district a libel praying the seizure and condemnation of 31 dozen bottles of vanilla extract, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Fulton Mfg. Co., from New York, N. Y., May 21, 1925, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton and bottle) "Fulton Brand Pure Extract Vanilla Purity And Quality Fulton Manufacturing Co. New York Contents 6 Drams."

Adulteration of the article was alleged in the libel for the reason that a substance, a colored substandard vanilla extract, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Vanilla Extract Contents 6 Drams Purity And Quality," borne on the labels, were false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On August 5, 1925, a decree of condemnation and forfeiture was entered, and the product was ordered destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14108. Misbranding of Angelus beef, iron & wine. U. S. v. 8 Dozen Bottles of Angelus Beef, Iron & Wine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17119. I. S. No. 7971–v. S. No. W–1277.)

On January 13, 1923, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 dozen bottles of Angelus beef, iron & wine, at Phoenix, Ariz., alleging that the article had been shipped by the Brunswig Drug Co., Los Angeles, Calif., in part on or about November 23, 1920, and in part on or about February 2, 1922, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part on the carton: "Useful In * * * Dyspepsia, Nervous Exhaustion * * * Consumption And All Wasting Diseases And Forms Of General Debility," and on the bottles as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was composed of meat extract, iron salts, potassium bitartrate, sugar, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements borne on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Useful In * * * Dyspepsia, Nervous Prostration, Consumption, and All Wasting Diseases and Forms of General Debility."

On May 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14109. Misbranding of Glycero-Celery tonic. U. S. v. 3 Dozen Bottles of Glycero-Celery Tonic. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17119. I. S. No. 7973–v. S. No. W–1278.)

On January 13, 1923, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen bottles of Glycero-Celery tonic, at Phoenix, Ariz., alleging that the article had been shipped by the Brunswig Drug Co., Los Angeles, Calif., in various consignments, namely, on or about August 24, 1920, and April 28 and June 28, 1921, respectively, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and

drugs act as amended. The article was labeled in part on the carton: "Nerve Strengthening Tonic * * * Glycero-Celery Tonic will be found most useful * * * the treatment of General Debility, Nervous Prostration, Insomnia, Anaemia, Neuralgia, Diabetes, Female Weakness, Etc. * * * for building up the system and for stimulating a healthy increase in weight, strength and vitality," and on the bottles as hereinafter set forth.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of potassium bromide, glycerin, extracts of plant drugs, sugar, alcohol, and water, and was flavored with volatile oils.

Misbranding of the article was alleged in the libel for the reason that the following statements borne on the bottle label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "System Builder and a valuable preparation for promoting a healthy increase in Weight Strength Vitality Useful in the treatment of Nervous Prostration, Debility Insomnia, Anaemia, Neuralgia Diabetes, Female Weakness, Etc."

On May 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14110. Adulteration and misbranding of cottonseed meal. U. S. v. 373 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20790. I. S. No. 8702–x. S. No. E–5618.)

On January 23, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 373 sacks of cottonseed meal, remaining in the original unbroken packages at Gardner, Mass., alleging that the article had been shipped by the Cheraw Oil & Fertilizer Co., Cheraw, S. C., and transported from the State of South Carolina into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it contained a substance low in protein (ammonia), which had been substituted wholly or in part for the said article, and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore a statement regarding the article or the ingredients or substances contained therein as follows: (Tag) "Cotton Seed meal guaranteed analysis protein 43," which statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article.

On February 19, 1926, W. N. Potter & Sons, Inc., Greenfield, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,600, conditioned in part that it be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14111. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 775 Cases and 45 Cases of Canned Tomatoes. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20184, 20231. I. S. Nos. 24788–v, 24789–v. S. Nos. C–3022, C–3023–a.)

On or about July 28 and August 5, 1925, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 820 cases of canned tomatoes, in part at Corpus Christi, Tex., and in part at Houston, Tex., alleging that the article had been shipped by the Theobald, Berger Co., from Los Angeles, Calif., on or about December 30, 1924, and transported from the State of California into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Sugarland Brand Tomatoes With Puree," (can) "Sugarland Brand Tomatoes Highest Quality."

Adulteration of the article was alleged in the libels for the reason that tomatoes with puree from trimmings had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Sugarland Brand Tomatoes Highest Quality," borne on the labels, was false and misleading and deceived and misled the purchaser.

On January 6 and 19, 1926, respectively, George W. Wilson Co., Inc., San Antonio, Tex., having appeared as claimant for the property and having consented to the entry of decrees, judgments of the court were entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $3,250, conditioned in part that it not be sold or disposed of in violation of the law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14112. Adulteration of canned eggs. U. S. v. 1,341 Cans of Eggs, et al. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20778, 20787, 20788, 20791. I. S. Nos. 1674–x, 1675–x, 12076–x to 12084–x, incl., 12086–x, 12087–x, 12088–x. S. Nos. C–4935 to C–4938, incl.)

On January 20 and 23, 1926, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,341 cans of frozen whole eggs and 1,721 cans of frozen whole eggs, remaining in the original unbroken packages at Chicago Ill., alleging that the article had been shipped by R. W. Winsler, from Moravia, Iowa, between the dates of May 15 and October 28, 1925, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 4, 1926, the cases having been consolidated into one cause of action and R. W. Winsler, Moravia, Iowa, claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be salvaged under the supervision of this department and the bad portion denatured.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14113. Adulteration and misbranding of assorted jellies. U. S. v. 99 Cases of Assorted Jellies. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 20095. I. S. Nos. 20397–v to 20401–v, incl. S. No. W–1718.)

On June 1, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases, each containing 48 jars, of assorted jellies, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by the Everett Fruit Products Co., from Everett, Wash., April 29, 1925, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "My–T–Fine Apple Strawberry" (or "Apple Raspberry" or "Apple Blackberry" or "Apple Loganberry" or "Apple") "Jelly Everett Fruit Products Co. Everett, Wash. 6 Ozs."

Adulteration was alleged in the libel with respect to the strawberry, raspberry, and loganberry flavored jellies for the reason that artificially colored and acidified apple pectin jellies had been substituted wholly or in part for the said articles. Adulteration was alleged with respect to the strawberry, raspberry, loganberry, and blackberry flavored jellies for the reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Apple Strawberry" (or "Apple Raspberry," "Apple Blackberry," "Apple Loganberry," as the case might be) "Jelly," "Apple Jelly," and "6 Ozs.," borne on the labels,

were false and misleading and deceived and misled the purchaser, for the further reason that the articles were sold under the distinctive names of other articles, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. It was further alleged in the libel that the strawberry, raspberry, blackberry, and loganberry flavored jellies were misbranded in that they were imitations.

On June 29, 1925, the Everett Fruit Products Co., Everett, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $316.80, conditioned in part that they be made to conform with the law under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14114. Adulteration of walnut meats. U. S. v. 50 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20793. I. S. No. 10456–x. S. No. W–1853.)

On January 26, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by E. M. Hirschfelder, from Los Angeles, Calif., January 5, 1926, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about February 12, 1926, the E. M. Hirschfelder Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, conditioned in part that it not be sold or otherwise disposed of contrary to law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14115. Adulteration and misbranding of evaporated apples. U. S. v. Kathleen Hamilton (A. C. Hamilton & Co.). Plea of guilty. Fine, $40.** (F. & D. No. 19740. I. S. Nos. 19970–v, 22652–v.)

On February 18, 1926, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Kathleen Hamilton, trading as A. C. Hamilton & Co., Fayetteville, Ark., alleging shipments by said defendant, in violation of the food and drugs act, on or about September 15, 1924, from the State of Arkansas into the State of Mississippi, of quantities of evaporated apples which were adulterated and misbranded. The article was labeled in part: (Box) "Evaporated Apples Mount Sequoyah Brand Packed By A. C. Hamilton & Co. Fayetteville, Ark."

Examination by the Bureau of Chemistry of this department of a sample of the article from each shipment showed 28.7 per cent and 30.7 per cent, respectively, of moisture.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that excessive water had been substituted in part for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the label, was false and misleading, in that the said statement represented that the article consisted wholly of evaporated apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples, whereas it did not so consist but did consist in part of excessive water.

On February 19, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $40.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14116. Adulteration and misbranding of tomato sauce. U. S. v. 43 Cases of Tomato Sauce. Decree entered, ordering product released under bond.** (F. & D. No. 19450. I. S. No. 13412–v. S. No. E–5087.)

On January 2, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 cases of tomato sauce, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by A. Morici & Co., San Francisco, Calif., September 23, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Naples Style Tomato Sauce Salsa Di Pomidoro Contadina Brand * * * Packed By Hershel Cal. Fruit Prod. Co., San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On June 17, 1925, the Hershel California Fruit Products Co., San Jose, Calif., and Bortolo Bendin, Inc., Brooklyn, N. Y., having appeared as claimants for the property and having admitted the allegations of the libel, a decree was entered, ordering that the product be released to the said claimants upon the execution of a bond in the sum of $400, conditioned in part that it be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14117. Adulteration and misbranding of wheat grey shorts. U. S. v. 237 Sacks of Wheat Grey Shorts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20126. I. S. No. 7166–v. S. No. C–4750.)

On June 19, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 237 sacks of wheat grey shorts, remaining in the original unbroken packages at Paris, Tex., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., May 8, 1925, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wheat Grey Shorts & Screenings Not Exceeding 8% of Screenings * * * The Kansas Flour Mills Company Kansas City, Missouri."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, brown shorts, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Wheat Grey Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On July 22, 1925, the Kansas Flour Mills Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, for proper relabeling in accordance with law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14118. Adulteration and misbranding of evaporated apples. U. S. v. 15 Cases of Evaporated Apples. Default decree of condemnation forfeiture, and destruction.** (F. & D. No. 19933. I. S. No. 15621–v. S. No. E–5257.)

On March 28, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of evaporated apples, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been

shipped by Hallauer & Philips, Inc., from Webster, N. Y., on or about December 13, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14119. Alleged adulteration of shell eggs. U. S. v. Fred B. Smith (Union Produce Co.). Tried to the court and a jury. Verdict of not guilty.** (F. & D. No. 18467. I. S. No. 17827–v.)

On June 28, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred B. Smith, trading as the Union Produce Co., Lorimor, Iowa, alleging shipment by said defendant, in violation of the food and drugs act, on or about July 30, 1923, from the State of Iowa into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 10 half cases from the shipment showed that 338, or 18.7 per cent, were inedible eggs, consisting of black and mixed rots, blood rings, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On January 24, 1925, the case came on for trial before the court and a jury. After several hours deliberation on the evidence, the jury reported that it was unable to agree upon a verdict. On October 22, 1925, the case came on for retrial. After the introduction of evidence on behalf of the Government and the defendant, the court submitted the case to the jury with the following instructions (Reeves, *D. J.*):

"Gentlemen of the jury, at the conclusion of arguments of counsel in this case and after all the testimony has been introduced it becomes the duty of the court to charge you with the law applicable to the facts in the case. With the law of the case you have nothing to do, and with the facts of the case the court has nothing to do. It is your exclusive function to pass on all controversies of fact, and it is the exclusive function of the court to declare the law, and it is your duty to accept that declaration of the court as to the application of the law to the facts in the case. In your consideration of the facts the court will not attempt to infringe upon your purview of deciding the facts of the case. You should make up your minds as to the facts and return your verdict according to the facts, according to your judgment, and according to your judgment under the guidance of the facts and the extent of the facts and not favor any judgment the court may have in the matter. Anything the court may say is for your guidance in this case.

"Gentlemen, Congress has enacted the following statute with reference to interstate shipment of adulterated food: 'The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received shall deliver, in original unbroken packages for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or

misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor.'

"Now, gentlemen, the indictment in this case charges that the defendant, on or about the thirtieth day of July, 1923, shipped or offered for shipment a certain number of cases of eggs containing adulterated eggs—that is to say, eggs that contained decomposed matter—that is, a putrid animal substance.

"If you should find on the evidence that on or about the thirtieth day of July, 1923, the defendant shipped or delivered for shipment in the city or Lorimor, in the State of Iowa, to the city of Chicago, in the State of Illinois, to Peterson Brothers, a number of cases containing adulterated eggs, that is to say, eggs that were moldy, partly rotten, as described in the evidence as black rot, mixed rot, etc., and most of the eggs contained blood rings, then, in such case, you should find the defendant guilty as charged in the information.

"Now, gentlemen, as has been suggested heretofore there is only one little simple question in this case, and that is, whether or not the eggs that, according to the testimony of both the plaintiff and the defendant, were shipped, the eggs shipped from Lorimor, in the State of Iowa, on the thirtieth day of July, 1923, were adulterated when they were offered for shipment, or when they were shipped. That is the one question to determine. If you find they were adulterated when offered for shipment or when they were shipped, then, gentlemen, it will be your duty to render a verdict of guilty in this case.

"If, on the other hand, you believe they were not adulterated when offered for shipment, or shipped, and if they afterwards became decomposed, that many of them contained mixed rots, black rots, or blood rings, or became moldy, as the testimony tends to show, then under such circumstances the defendant is not guilty of shipping or offering for shipment.

"There is testimony, and the court is briefly referring to that, in effect that when the eggs arrived in Chicago on the eighth day of August, 1923, some eight or nine days after they were shipped from Lorimor, the testimony is that they were not then adulterated. On the other hand, there is testimony on the part of the Government that on that day they were adulterated, and there is testimony tending to show that if the eggs had not been adulterated when shipped, because of the refrigeration conditions they would not have become adulterated, they wouldn't have deteriorated in the course of shipment. The defendant on his part says that he made an inspection of this shipment of eggs after they gathered them up in the country, and, in substance, if they were adulterated when offered for shipment the defendant denies he had any such knowledge. The court, under this status, is constrained to say that it is not a question or whether or not he had knowledge of their adulteration, or it is not a question of whether or not he made reasonable, proper, and careful inspection to determine whether or not they were adulterated. Under this law as the court interprets it, the defendant is responsible if he ships adulterated eggs regardless of what he may have done to ascertain whether or not they were adulterated. So, in this case, if you should determine from the testimony that the defendant shipped or offered for shipment adulterated eggs, on or about the thirtieth day of July, 1923, then, gentlemen, it will be your duty to return a verdict of guilty in this case.

"You gentlemen, in retiring to your jury room to deliberate on your verdict, should consider your verdict in this case. You should bear in mind that there will be no question of the effect on the Government or the defendant with reference to your verdict in so far as the effects are concerned. If the defendant is guilty of having offered for shipment or shipped adulterated eggs in violation of this law, then it is your duty to return a verdict of guilty regardless of the effect upon him. If, on the other hand, you find that the defendant did not offer for shipment and did not ship adulterated eggs, then it is your duty to return a verdict of not guilty. The fact that they may have been adulterated when shipped or may have been adulterated somewhere else it is your duty to determine from the testimony in the case, and then return your verdict in the case, expressive of what you concede to be true in the case under your oaths and qualifications of that duty, because your responsibility as men demands that you do that, and without question for or against anybody. When you have done that, it is your full duty.

"The court will give you these fundamental rules enabling you to analyze the testimony in the case.

"In the first place, you are the sole judges of the witnesses and the weight to be accredited to their testimony, of each and every witness who testified in this case. In determining the weight and credibility you should give the testimony of any witness, you should take into consideration his conduct and demeanor on the witness stand, his willingness or unwillingness to testify to what he is asked about, his knowledge of the facts, and the reasonableness or unreasonableness of his testimony, his interest, if any, in the result of the case, his bias or prejudice for or against any of the parties in the case, and any other facts or circumstances that may tend to throw light on such witnesses' testimony, and if you should find any witness has willfully sworn falsely to any matter or fact in the case you have a right to disregard all or any part of it and you may believe any part.

"The defendant testified in his own behalf. He is a competent witness. And you should take into consideration the fact that he is the defendant, and is on trial. The law presumes that he is innocent and not guilty. This presumption protects the defendant throughout the trial, until the Government has proven his guilt to your satisfaction, beyond a reasonable doubt. Now, while reasonable doubt does not mean notions, it means, as the word implies, a substantial doubt; that is, a doubt founded on reason, and one that would cause a reasonable, prudent man to hesitate before acting, and such a doubt as may arise on the testimony or from the lack of testimony. After all is said and done if it should exist in your mind, that is, a reasonable doubt as to the innocence or guilt of the defendant, it would be your duty to give the defendant the benefit of such doubt and acquit him."

A verdict of "not guilty" was returned by the jury.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14120. Adulteration and misbranding of spirits of camphor and nitrous ether. U. S. v. 3 Barrels of Spirits of Camphor and 3 Barrels of Nitrous Ether. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20637, 20638. I. S. Nos. 939–x, 940–x. S. No. W–1656.)

On November 21, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 barrels of spirits of camphor and 3 barrels of nitrous ether, remaining in the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by the Barclay Chemical Corp., from New York, N. Y., about September 9, 1925, and transported from the State of New York into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that each of the articles contained alcohol and acetone, indicating that they had been prepared with specially denatured alcohol.

Adulteration of the articles was alleged in the libel for the reason that they were sold under names recognized in the United States Pharmacopœia, and differed from the pharmacopœial standards of strength and quality and purity, and their own standards of strength, purity, and quality were not stated upon the containers thereof.

Misbranding was alleged for the reason that the articles were imitations of and offered for sale under the names of other articles, and for the further reason that the packages failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On February 12, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14121. Adulteration and misbranding of butter. U. S. v. 18 Cases and 13 Cases of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20384, 20406. I. S. Nos. 5717–x, 5718–x, 5720–x. S. Nos. E–5382, E–5383.)

On August 20 and 27, 1925, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 31 cases of butter, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Paul A. Schulze Co., from St. Louis, Mo., in part

on or about August 8, 1925, and in part on or about August 15, 1925, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Retail package) "One Pound Net. Mountain Grove Brand Fancy Creamery Butter 1 Lb. Net. * * * Net Weight One Pound. The contents of this package weighed one pound when packed." The remainder of the said article was labeled: (Retail package) "Park View Farms Creamery Country Roll * * * 2 Lbs. Net."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the alleged 1 pound packages of the product for the further reason that the statements, "One Pound Net," "1 Lb. Net," "Net Weight One Pound," and "The contents of this package weighed one pound when packed," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 15, 1926, the Paul A. Schulze Co., St. Louis, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of good and sufficient bonds, conditioned in part that it be reworked, relabeled, or repacked under the supervision of this department and that the claimant pay the costs of the proceedings.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14122. Misbranding of apples. U. S. v. Samuel Sloan Shields and Arthur Leroy Edwards (Shields Fruit Co.). Pleas of guilty. Fines, $100.** (F. & D. No. 16007. I. S. No. 11177-t.)

On September 15, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Sloan Shields and Arthur Leroy Edwards, copartners, trading as Shields Fruit Co., Freewater, Oreg., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about November 9, 1921, from the State of Oregon into the State of Ohio, of a quantity of apples in boxes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 13, 1925, both defendants entered pleas of guilty to the information, and the court imposed a fine of $50 against each defendant.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14123. Adulteration and misbranding of prepared mustard. U. S. v. 23 Gallon Jars of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19993. I. S. No. 21106-v. S. No. W-1695.)

On April 14, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 gallon jars of prepared mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Gladbrook Mustard Factory, from Wilmington, Calif., on or about January 27, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Gladbrook Prepared Salad Mustard * * * Gladbrook Mustard Factory Long Beach, Calif. & Gladbrook, Iowa."

Adulteration of the article was alleged in the libel for the reason that mustard bran had been mixed and packed therewith so as to reduce or injuriously

affect its quality or strength and had been substituted wholly or in part for normal prepared mustard of good commercial quality.

Misbranding was alleged for the reason that the designation borne on the label, "Prepared Salad Mustard," was false and misleading and deceived and misled the purchaser when applied to a product containing added mustard bran, and for the further reason that the article was offered for sale under the distinctive name of another article.

On December 30, 1925, a default decree of condemnation, forfeiture, and destruction having been theretofore entered, the court issued a warrant for the destruction of the product.

R. W. Dunlap, *Acting Secretary of Agriculture*

**14124. Misbranding of oleomargarine. U. S. v. 25 Cases and 40 Cases of Oleomargarine. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20142. I. S. No. 14470–v. S. No. W–1734.)

On June 23, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases, each containing 30 cartons, and 40 cases, each containing 18 cartons, of oleomargarine, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Morris & Co., from Los Angeles, Calif., on or about June 10, 1925, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "One Pound Net Milcoa Nut Margarine * * * Morris & Company, U. S. A."

Misbranding was alleged in the libel for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated was not correct.

On August 7, 1925, Morris & Co., a branch of the Hemphill Packing Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14125. Adulteration of canned shrimp. U. S. v. 8 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20794. I. S. No. 5389–x. S. No. E–5620.)

On January 27, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of canned shrimp, remaining in the original unbroken packages at Quincy, Mass., consigned October 27, 1925, alleging that the article had been shipped by the Houma Packing Co., Inc., Houma, La., and transported from the State of Louisiana into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Houma Brand Shrimp Packed by Houma Packing Co., Houma, La."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 4, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14126. Adulteration of dried shelled chestnuts. U. S. v. 140 Bags of Dried Shelled Chestnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20657. I. S. No. 7100–x. S. No. E–5592.)

On November 25, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 140 bags of dried shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Silvio G. Parodi, from Genoa, Italy, on or about February 2, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On March 8, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14127. Misbranding of evaporated apples. U. S. v. 22 Cases, et al., of Evaporated Apples. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 20134. I. S. Nos. 14698–v, 14699–v, 14700–v. S. No. C–5017.)

On or about June 26, 1925, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 77 cases of evaporated apples, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Aspegren Fruit Co., Sodus, N. Y., on or about November 24, 1924, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Victor Brand Evaporated Apples * * * Contents 6 Oz. Net" (or "Net Weight 8 Ounces") "Packed By The Aspegren Fruit Co. Sodus, N. Y." and "La Perla Brand Evaporated Apples Net Weight 15 Oz. Packed By The Aspegren Fruit Co. Sodus, N. Y."

Misbranding of the article was alleged in the libel for the reason that the statements, "Contents 6 Oz. Net." "Net Weight 8 Ounces," and "Net Weight 15 Oz.," as the case might be, borne on the labels of the said cartons, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 15, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14128. Adulteration of canned green beans. U. S. v. 85 Cases of Green Beans, et al. Default decrees of condemnation and forfeiture. Product ordered sold for hog feed or destroyed.** (F. & D. Nos. 20663, 20666, 20677, 20678. I. S. Nos. 3698–x, 3699–x, 3711–x, 3713–x, 3714–x. S. Nos. C–4883, C–4887, C–4893, C–4894.)

On or about November 30 and December 2 and 4, 1925, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 232 cases of canned green beans, remaining in the original unbroken packages in various lots, at Athens, Palestine, and Jacksonville, Tex., respectively, alleging that the article had been shipped by the Litteral Canning Co., from Fayetteville, Ark., in part August 29, 1925, and in part September 15, 1925, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Faycano Cut Stringless Beans * * * Packed By Litteral Canning Co. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 26, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal sell it for hog feed, or upon failure to secure a purchaser for said purpose that it be destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14129. Adulteration of butter. U. S. v. 4 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20917. I. S. Nos. 10428–x, 10429–x. S. No. W–1905.)

On February 15, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cubes of butter, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Desota Creamery Co., from Kennewick, Wash., on or about February 9, 1926, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Desota Creamery Co. Kennewick, Wash."

Adulteration of the article was alleged in the libel for the reason that butter containing less than 80 per cent of butterfat had been substituted for normal butter of good commercial quality.

On or about March 3, 1926, the Desota Creamery Co., Kennewick, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that it not be sold or otherwise disposed of until reconditioned to the satisfaction of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14130. Misbranding of feeding tankage. U. S. v. 20 Bags of Feeding Tankage. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20774. I. S. No. 357–x. S. No. C–3028.)

On January 19, 1926, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 bags of feeding tankage, at Scottsbluff, Nebr., alleging that the article had been shipped by the Western Seed Co., from Denver, Colo., on or about January 4, 1926, and transported from the State of Colorado into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Feeding Tankage Analysis Protein 60%."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 60%," borne on the label, was false and misleading and deceived and misled the purchaser.

On February 25, 1926, the Western Seed Co., Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a judgment of condemnation and forfeiture, a decree was entered, finding the product misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, conditioned in part that it be relabeled under the supervision of this department, "Protein 54%."

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14131. Misbranding of butter. U. S. v. 1,344 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20909. I. S. No. 1528–x. S. No. C–4988.)

On February 15, 1926, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,344 cartons of creamery butter, at Shreveport, La., alleging that the article had been shipped by the Metzger Bros. Creamery Co., from Dallas, Tex., on or about February 11, 1926, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping case) "Metzger's Extra Fancy Butter Manufactured by Metzger Bros. Creamery Co. Dallas, Texas. Metzger Bros. Shreveport, La. Golden," (carton) "Golden Creamery Butter Golden Brand Shreveport, La. One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the label, was false and mis-

leading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On February 18, 1926, Walter Fisher, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that the said butter be properly molded, labeled, and branded.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14132. Adulteration of canned tomato pulp. U. S. v. 1,503 Cans of Tomato Pulp. Tried to the court. Judgment for the Government. Decree of condemnation and forfeiture entered. Product released under bond.** (F. & D. No. 20545. I. S. No. 6014–x. S. No. E–5541.)

On November 9, 1925, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,503 cans of tomato pulp, remaining in the original unbroken packages at Elwood, Ind., alleging that the article had been shipped by the Orestes Packing Co., from Farmingdale, N. J., and transported from the State of New Jersey into the State of Indiana, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about February 1, 1926, the Orestes Packing Co., Elwood, Ind., having appeared as claimant for the property, the case came on for trial before the court. After hearing the evidence the court found that the allegations of the libel were true, that a portion of the product was decomposed, that the remainder was not shown to have been decomposed, and that the entire lot should be forfeited and condemned. The claimant having paid the costs of the proceedings and petitioned for the release of the product under bond in the sum of $2,500, in conformity with section 10 of the act, the court ordered the bond approved and the product released, said order providing that the product be salvaged under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14133. Misbranding and alleged adulteration of jellies and preserves. U. S. v. 400 Cases of Jelly and 100 Cases of Preserves. Consent decree entered, finding products misbranded and ordering their release under bond.** (F. & D. No. 19424. I. S. Nos. 23023–v to 23032–v, incl. S. No. C–4599.)

On December 30, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of jellies and 100 cases of preserves, remaining in the original unbroken packages at Kansas City, Mo., alleging that the articles had been shipped by the Goodwin Preserving Co., Louisville, Ky., on or about October 3, 1924, and transported from the State of Kentucky into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The jellies were labeled in part: (Jar) "Summer Girl Brand Raspberry-Apple Pectin" (or "Apple Pectin" or "Grape-Apple Pectin" or "Currant-Apple Pectin") "Jelly * * * The H. D. Lee Mercantile Co. Kansas City, Mo." The preserves were labeled in part: (Jar) "Summer Girl Brand Strawberry" (or "Raspberry" or "Blackberry" or "Cherry" or "Peach" or "Pineapple") "Preserves With Apple Pectin."

Adulteration of the said jellies and preserves was alleged in the libel for the reason that they consisted in part of a substance, pectin, which had been mixed and packed with the said articles so as to reduce, lower, and injuriously affect their quality and strength. Adulteration was alleged with respect to the raspberry, grape, and currant jellies for the further reason that they were colored in a manner whereby damage and inferiority was concealed.

Misbranding of the jellies was alleged for the reason that the statements, "Raspberry-Apple," "Apple," "Grape-Apple," or "Currant-Apple," as the case might be, and "Pectin Jelly," and the statement, "The H. D. Lee Mercantile Co.," borne on the labels, were false and misleading and deceived and misled

the purchaser when applied to pectin jellies colored with fruit juice and containing added tartaric acid, and manufactured by a firm other than the H. D. Lee Mercantile Co. Misbranding of the preserves was alleged for the reason that the statements, "Apple," "Strawberry," "Raspberry," "Blackberry," "Cherry," "Peach," and "Pineapple," as the case might be, and "Pectin," borne on the labels, were false and misleading and deceived and misled the purchaser.

On March 26, 1925, the Goodwin Preserving Co., Louisville, Ky., claimant, having admitted the allegations of the libel and having consented to the entry of a decree for the condemnation and forfeiture of the property, judgment of the court was entered, finding the products misbranded, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that they not be sold until salvaged and relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14134. Misbranding of meat meal. U. S. v. 1,000 Bags of Meat Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20724. I. S. No. 1069–x. S. No. W–1836.)

On December 18, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 bags of meat meal, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Berg Co., Inc., from Philadelphia, Pa., October 31, 1925, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. Berg's 75% Protein Poultry Meat & Bone Scrap Guaranteed Analysis Min. Protein 75% * * * Manufactured By The Berg Company Incorporated. Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the label "Min. Protein 75%" and "100 Lbs." were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 29, 1925, the Hart-Hill Grain Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,800, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14135. Adulteration of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20197. I. S. No. 20132–v. S. No. W–1735.)

On June 19, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. E. Turner, from Seattle, Wash., June 13, 1925, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted in part for the said article, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

On June 30, 1925, Fred L. Hilmer Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of $400, conditioned in part that it be brought into conformity with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14136. Adulteration of butter. U. S. v. 14 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20166. I. S. No. 20130-v. S. No. W-1732.)

On June 18, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Bradner Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., June 11, 1925, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On June 30, 1925, the Fred L. Hilmer Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be brought into conformity with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14137. Adulteration of butter. U. S. v. 48 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20238. I. S. No. 20134-v. S. No. W-1738.)

On June 20, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Henningson Produce Co., from Three Forks, Mont., June 12, 1925, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act. The said cubes were rubber stamped "Bozeman, Mont., Bozeman Cry. Co."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted in part for the said article, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

On July 2, 1925, the Bozeman Creamery Co., Bozeman, Mont., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,750, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14138. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, $100.** (F. & D. No. 19694. I. S. No. 23452-v.)

On November 28, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 29, 1925, from the State of Oregon into the State of Washington, of a quantity of butter in tins which was misbranded. The tins were labeled in part: "Brookfield Creamery Butter 2 Lbs. Net Weight Swift & Company, U. S. A."

Examination by the Bureau of Chemistry of this department of 126 tins of the article showed an average net weight of 1 pound 14.9 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "2 Lbs. Net Weight," borne on the labels of the tins containing the said article, was false and misleading, in that the said statement represented that the tins each contained 2 pounds of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said tins each contained 2 pounds of butter, whereas each of a number of said tins contained less than 2 pounds of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 22, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14139. Adulteration of minced clams. U. S. v. Cordova Packing Co. Plea of guilty. Fine, $150.** (F. & D. No. 19629. I. S. Nos. 7764–v, 20697–v, 20698–v.)

On May 8, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cordova Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about July 16 and 22 and August 7, 1924, from the Territory of Alaska into the State of Washington, of quantities of minced clams which were adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance. Adulteration was alleged with respect to one shipment of the product for the further reason that excessive liquid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for minced clams, which the said article purported to be.

On September 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14140. Misbranding of jam. U. S. v. Everett Fruit Products Co. Plea of guilty. Fine, $10.** (F. & D. No. 19728. I. S. Nos. 1–x to 9–x, incl.)

On February 13, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Everett Fruit Products Co., a corporation, Everett, Wash., alleging shipment by said company, in violation of the food and drugs act as amended, on or about April 29, 1925, from the State of Washington into the State of California, of a quantity of jam which was misbranded. The article was labeled in part: (Jar) "Everett Compound * * * Jam * * * Everett Fruit Products Co. Everett, Wash. 15 Ozs."

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "15 Ozs." borne on the label attached to the jars containing the article, was false and misleading, in that the said statement represented that the jars each contained 15 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the jars each contained 15 ounces of the article, whereas the said jars did not each contain 15 ounces of the said article but did contain in each of a number of said jars less than 15 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the jars contained less than represented on the label.

On March 4, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14141. Adulteration and misbranding of evaporated apples. U. S. v. James Allen Adams, James Vard Curtis, and John Francis Danner (Lincoln Fruit Co.). Pleas of guilty. Fine, $50.** (F. & D. No. 19716. I. S. Nos. 6286–v, 8773–v, 10394–v, 10398–v, 21951–v, 21952–v, 23046–v.)

On February 9, 1926, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Allen Adams, James Vard Curtis, and John Francis Danner, copartners, trading as Lincoln Fruit Co., Lincoln, Ark., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about September 15, 16, 19, and 30, and October 4, 1924, respectively, from the State of Arkansas into the States of Kansas, Oklahoma, Tennessee, and Texas, respectively, of quantities of evaporated apples which were adulterated and misbranded. The article was labeled in part: "Evaporated Apples Packed By Lincoln Fruit Co. Lincoln, Ark."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, excessive water, had been substituted in part for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Apples," borne on the boxes containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of evaporated apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples, whereas it did not so consist but did consist in part of excessive water.

On February 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14142. Misbranding of cottonseed meal. U. S. v. 600 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20857. I. S. No. 4493–x. S. No. C–4959.)

On February 17, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 sacks of cottonseed meal, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Buckeye Cotton Oil Co., from North Little Rock, Ark., February 2, 1926, and transported from the State of Arkansas into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Buckeye Prime Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. * * * Guaranteed Analysis Protein 43 Per Cent Minimum."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the label "Protein 43 Per Cent Minimum" was false and misleading, and for the further reason that the said article was labeled so as to deceive and mislead the purchaser, in that it contained less than 43 per cent of protein.

On March 6, 1926, the Buckeye Cotton Oil Co., North Little Rock, Ark., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, the decree providing that the product be sold as containing 36 per cent of protein, for manufacturing purposes.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14143. Adulteration and misbranding of prepared mustard. U. S. v. 11 Cases, et al., of Prepared Mustard. Default order of destruction entered.** (F. & D. No. 19119. I. S. No. 20807–v. S. No. W–1599.)

On November 22, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 cases, each containing one dozen bottles, and 4 cases, each containing

three dozen bottles, of prepared mustard, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Morehouse Mustard Mills, from Oakland, Calif., July 1, 1924, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Prepared Old English Style 8 Oz. When Packed Morehouse Mustard Mustard Seed, Vinegar, Spices Salt and Turmeric Morehouse Mustard Mills Los Angeles Oakland."

Adulteration of the article was alleged in the libel for the reason that a substance, added mustard bran, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement borne on the labels, "Mustard Seed, Vinegar, Spices, Salt And Turmeric 8 Oz. When Packed," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 24, 1925, no claimant having appeared for the property, a decree of the court was entered, adjudging the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14144. Adulteration of walnut meats. U. S. v. 5 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20826. I. S. No. 10462–x. S. No. W–1869.)

On February 6, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of walnut meats, remaining in the original unbroken packages at Eugene, Oreg., alleging that the article had been shipped by the Sunset Nut Shelling Co., from San Francisco, Calif., January 15, 1926, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "50 Lbs. Net D. Amber Walnut Meats Packed By Sunset Nut Shelling Co. San Francisco."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14145. Adulteration and misbranding of butter. U. S. v. 10 Cases of Creamery Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20366. I. S. No. 6490–x. S. No. E–5464.)

On or about August 10, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of creamery butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped from the Fitzgerald Creamery, Fitzgerald, Ga., August 5, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Creamery Monogram Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On December 24, 1925, no claimant having appeared for the property, judg-

ment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14146. Misbranding of horse and mule feed. U. S. v. 89 Sacks of Horse and Mule Feed. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20084. I. S. No. 16628-v. S. No. E-5311.)

On May 26, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 89 sacks of horse and mule feed, at New Bern, N. C., alleging that the article had been shipped from East St. Louis, Ill., in two consignments, on or about March 27 and April 10, 1925, respectively, and transported from the State of Illinois into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Pounds Net High Kick Horse and Mule Feed Manufactured by Alfocorn Milling Company East St. Louis, Ill. Guaranteed Average Analysis Protein 10.00% Fat 2.00%."

Misbranding of the article was alleged in the libel for the reason that the statements "Guaranteed Average Analysis Protein 10.00%" and "Fat 2.00%," borne on the label, were false and misleading and deceived and misled the purchaser, in that an analysis of the product showed that it was deficient in protein and fat.

On March 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14147. Misbranding of compound jams. U. S. v. 111 Cases and 50 Cases of Jam. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20255, 20267. I. S. Nos. 1-x to 9-x, incl. S. Nos. W-1748, W-1749.)

On or about July 24 and 30, 1925, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 161 cases of jam, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Everett Fruit Products Co., from Everett, Wash., on or about April 30, 1925, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled, variously: (Jar) "Everett Compound * * * Strawberry" (or "Blackberry" or "Raspberry" or "Loganberry") "Jam * * * Everett Fruit Products Co. Everett, Wash. 15 Ozs."

Misbranding of the article was alleged in the libel for the reason that the statement, "15 Ozs.," borne on the labels, was false and misleading, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 27, 1926, the cases having been consolidated and the Everett Fruit Co., Everett, Wash., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14148. Misbranding of dairy feed. U. S. v. Early & Daniel Co. Plea of guilty. Fine, $100.** (F. & D. No. 19725. I. S. Nos. 10472-v, 10473-v.)

On February 16, 1926, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Early & Daniel Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about November 11, 1924, and January 21, 1925, respectively, from the State of Ohio into the State of Kentucky, of quantities of dairy feed which was misbranded. The article was labeled in part: (Tag) "Miami Dairy Feed Made By

Miami Elevator, Elizabethtown, Ohio Guaranteed Analysis Protein 16.00 Per Cent."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 16.00 Per Cent," borne on the tags, was false and misleading, in that the said statement represented that the article contained not less than 16 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, whereas the said article did contain less than 16 per cent of protein, the two consignments containing approximately 12.87 per cent and 15.19 per cent, respectively, of protein.

On February 27, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14149. Misbranding of canned herring roe. U. S. v. 90 Cases of Herring Roe. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20127. I. S. No. 3695–v. S. No. E–5339.)

On June 19, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 cases of herring roe, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. J. Lewis Sons, from Walnut Point, Va., on or about May 7, 1925, and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Robin Hood Brand Herring Roe Contents 10 Oz. 283 Grams."

Misbranding of the article was alleged in the libel for the reason that the statement, "Contents 10 Oz. 283 Grams," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 11, 1926, R. C. Williams & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be relabeled under the supervision of this department so that the statement of the quantity of the contents should read: "9 Ounces."

R. W. Dunlap, *Acting Secretary of Agriculture.*

**14150. Adulteration of canned tomato pulp. U. S. v. 2,400 Cases of Tomato Pulp. Decree of condemnation and forfeiture entered. Product ordered destroyed.** (F. & D. No. 20679. I. S. No. 9503–x. S. No. C–4895.)

On or about December 1, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,400 cases of tomato pulp, at Memphis, Tenn., alleging that the article had been shipped by the Morgan & Adams Co., from Cayuga, Ind., on or about November 4, 1925, and transported from the State of Indiana into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 13, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

# INDEX TO NOTICES OF JUDGMENT 14101 TO 14150



[1] Contains instructions to the jury.



WASHINGTON: GOVERNMENT PRINTING OFFICE: 1926

# United States Department of Agriculture

# SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 14151–14200

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 20, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14151. Misbranding of butter. U. S. v. 13 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20858. I. S. No. 3839–x. S. No. C–4952.)

On February 1, 1926, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cases of butter, remaining in the original packages at Dallas, Tex., consigned by the Oklahoma Butter Co., Elk City, Okla., alleging that the article had been shipped on or about January 23, 1926, from Elk City, Okla., and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Clear Brook Creamery Butter * * * Net Weight 1 Pound."

It was alleged in substance in the libel that the article was short weight and misbranded, in that the statement "Net Weight 1 Pound" was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On February 8, 1926, Wilson & Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered. Subsequently the product was ordered released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it not be sold or disposed of contrary to law, and that it be reworked under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14152. Misbranding of tankage. U. S. v. 30 Sacks of Tankage. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20808. I. S. No. 374–x. S. No. W–1859.)

On February 9, 1926, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 sacks of tankage, remaining in the original unbroken packages at Wheatland, Wyo., alleging that the article had been shipped from the Denio-Barr Mill & Grain Co., Denver, Colo., on or about January 22, 1926, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded, in that the sacks were labeled "100 Lbs. Net Tankage Protein 60%," which statement was false and misleading and deceived and misled the purchaser, in that it represented that the product contained 60 per cent of protein,

whereas the contents of the said sacks did not contain 60 per cent of protein but did contain a less amount.

On March 11, 1926, the Denio-Barr Mill & Grain Co., Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, and it was further ordered that the product be relabeled to show the correct amount of protein therein.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14153. Misbranding of Womanette. U. S. v. 5 Dozen Bottles and 19 Dozen Bottles of Womanette. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20711, 20712. I. S. Nos. 3762–x, 3763–x, S. Nos. C–4907, C–4908.)

On December 17, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 24 dozen bottles of Womanette, at Dallas, Tex., alleging that the article had been shipped by the Capital Remedy Co., from Jackson, Miss., in part on or about March 4, 1925, and in part on or about March 14, 1925, and transported from the State of Mississippi into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of potassium bromide, extracts of plant drugs including sassafras, alcohol, water, and a trace of a salicylate.

Misbranding of the article was alleged in the libels for the reason that the following statements borne on the bottle and carton labels and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "Womanette * * * A Health, Strength, and Beauty Builder * * * Emphatically the Woman's Friend, there being no condition to which the peculiarities of her sex render her liable in which this medicine may not be taken with every assurance that it will prove beneficial. Its medical properties are * * * Nervine. Its tendency is to * * * equalize the circulation. These are the grand indications necessary to relieve engorgements, unlock the secretions, ease pain, quiet nervousness and cure disease. Its tendency to throw the system upon its proper equilibrium is why it checks a too free or unnatural discharge, or restores it when suppressed contrary to nature" (bottle) "A Remedy for the Treatment of Diseases Peculiar to the Female Sex Irregular, Obstructed and Painful menstruation, Vaginal and Uterine lucorrhœa or Whites, Inflammation and Ulceration of the Neck or Body of the Womb. Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, etc. * * * The pregnant may use it as well as the maiden or those having a change of life. Ladies who have once used it during Pregnancy are not again willing to be without it. Besides preventing Cramps, Pains, Fretfulness, etc., the system is so well prepared for the Confinement that a case of difficult, tedious and dangerous Labor has never been known to occur when a few bottles have been used during the last months of Pregnancy. * * * To derive the greatest benefits from its use, take a dose of proper size * * * For Acute Pain—Pain in the Ovaries—Menstrual Cramp, Headaches, etc., take a dose * * * for a few doses until pain is relieved," (carton) "Treatment for Diseases Peculiar to the Female Sex * * * It has proven of unsurpassed value in the treatment of Irregular, Obstructed and Painful Menstruation, Vaginal and Uterine Lucorrhoea or Whites, Inflammation and Ulceration of the Neck or Body of the Womb, Inflammation of the Ovaries and Tubes, Habitual Miscarriage, Prolapsus, Nervousness, Etc." (circular) "Womanette 'Beauty Is More Than Skin Deep' Few ladies realize how seriously their general health affects their Appearance, their Complexion, the Texture of the Skin, their Eyes, Hair and even their Youthful Buoyancy, Vitality, and Animation. The effects of Womanette in these respects is proving a revelation and a pleasant surprise to hundreds of women and girls. You can profit by it also, perhaps to a wonderful degree. In fact, in your case as well as in many others, your health may be the only thing that is preventing real beauty. Health is Nature's Beauty-Maker. * * * Combined with some quick acting sedative, it will prevent threatened abortion. For Acute Pain,

Menstrual Cramp, Neuralgia of the Womb or * * * in the Ovaries, Headaches, Etc., take * * * for a few doses until pain is relieved, then one dose three times a day until the cause of the trouble has been removed. For Severe Headache, we have often seen a single dose * * * relieve almost immediately. If the headache is from a nervous trouble, or from overwork, dissipation or worry, Womanette will quickly relieve it. Take A Dose At Bedtime if not accustomed to rest well. * * * always gave * * * prompt relief * * * We have seen it given * * * With perfect results to a child * * * which had a discharge similar to leucorrhoea, brought on by a fall * * * Womanette is usually, in fact almost always, a quick relief for annoying symptoms of an acute nature such as pain, etc. * * * Womanette puts the forces of nature to work, assisting the natural processes, and being entirely corrective * * * in its effect, it goes directly to the seat of the trouble. Therefore it is sometimes necessary to continue its use, even in acute cases, until the trouble can be brought under control. It must be remembered that Womanette is often called upon to handle cases which have lost all hope of getting well and in which the skill of the best physicians and the best there is in science for the treatment of disease have failed. Chronic, much run down conditions require that Womanette must be given with confidence and persistence. To Get The Best Results, the directions should be followed carefully and the treatment persisted in until permanent results are obtained. It is entirely possible for one to half take Womanette and only get half the benefit from it, or to take half enough and only get half well * * * Simply persist in its use until permanent results have been achieved. We have never known a failure when the medicine was continued long enough * * * Often the most prominent symptoms may be the last to disappear. Irregularities, Leucorrhoea, Pain, Etc., are only symptoms of disease, not the disease itself, and only improve as the disease improves. Chronic Inflammation, Swelling, Morbid Growths On womb or Ovaries, etc., sometimes require continued treatment for some time, and while you cannot see the result with your eyes, the healing process is going on all the time you are taking Womanette."

On February 19, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14154. Adulteration and misbranding of caffeine citrated tablets and fluidextract nux vomica. U. S. v. William R. Warner & Co., Inc. Plea of guilty. Fine, $1,000.** (F. & D. No. 19634. I. S. Nos. 2871–v, 13968–v, 13971–v, 17015–v.)

On March 9, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William R. Warner & Co., Inc., a corporation, trading at New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on November 30, 1923, and September 23, 1924, respectively, from the State of New York into the State of New Jersey, of quantities of caffeine citrated tablets and fluidextract nux vomica which were adulterated and misbranded. The articles were labeled, respectively: "Tablet Triturates Caffeine, Citrated Each tablet contains: 1 grain. Wm. R. Warner & Co. Philadelphia, Pa." and "Fluidextract Nux Vomica U S P IX * * * Standard: 2.37 Gm. to 2.63 Gm. alkaloids per 100 mils. * * * Wm. R. Warner & Co. Incorporated Manufacturing Pharmaceutists Laboratories New York * * * St. Louis."

Analysis of two samples of the caffeine citrated tablets, labeled "1 grain," showed that they contained 6/7 grain of caffeine citrated per tablet; analysis of two samples of the fluidextract nux vomica showed that they contained 2.72 and 2.76 grams, respectively, of the alkaloids of nux vomica per 100 mils.

Adulteration of the caffeine citrated tablets was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 1 grain of caffeine citrated, whereas each of said tablets did not contain 1 grain of caffeine citrated but did contain a less amount. Adulteration of the fluidextract nux vomica was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by

the test laid down in the said pharmacopœia, official at the time of investigation, in that the article yielded more than 2.63 grams of the alkaloids of nux vomica per 100 mils, whereas said pharmacopœia provided that fluidextract nux vomica should yield not more than 2.63 grams of the alkaloids of nux vomica per 100 mils, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the said caffeine citrated tablets was alleged for the reason that the statement, to wit, "Tablet Triturates Caffeine Citrated Each tablet contains: 1 grain," borne on the label attached to the bottle containing the article, was false and misleading, in that the said statement represented that each of the tablets contained 1 grain of caffeine citrated, whereas each of said tablets did not contain 1 grain of caffeine citrated but did contain a less amount. Misbranding of the fluidextract nux vomica was alleged for the reason that the statement, to wit, "Nux Vomica U S P IX * * * Standard: 2.37 Gm. to 2.63 Gm. alkaloids per 100 mils," borne on the label attached to the bottles containing the article, was false and misleading, in that the said statement represented that the article was fluidextract of nux vomica which conformed to the standard laid down in the United States Pharmacopœia, Volume IX, to wit, that it contained from 2.37 grams to 2.63 grams of the alkaloids of nux vomica per 100 mils, whereas it was not fluidextract of nux vomica which conformed to the standard laid down in the said pharmacopœia, in that it contained more than 2.63 grams of the alkaloids of nux vomica per 100 mils.

On March 23, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $1,000.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14155. Adulteration and misbranding of meat and bone scrap and meat meal. U. S. v. Mutual Rendering Co. Plea of guilty. Fine, $200.** (F. & D. No. 19700. I. S. Nos. 14114-v, 22299-v.)

On February 18, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Rendering Co., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about February 13, 1925, from the State of Pennsylvania into the State of Virginia, of a quantity of meat meal, and on or about March 18, 1925, from the State of Pennsylvania into the State of New Jersey, of a quantity of meat and bone scrap both of which products were adulterated and misbranded. The articles were labeled in part, respectively: "50% Mureco Meat & Bone Guaranteed Analysis Protein Min. 50% * * * Manufactured By Mutual Rendering Co. Philadelphia, Pa." and "55% Mureco Meat Meal Guaranteed Analysis Protein Min. 55% * * * Manufactured By Mutual Rendering Co. Philadelphia, Pa."

Analysis by the Bureau of Chemistry of this department of a sample from the shipment labeled "Protein Min. 50%" contained 42.8 per cent of protein and a sample from the shipment labeled "Protein Min. 55%" contained 50.1 per cent of protein.

Adulteration of the articles was alleged in substance in the information for the reason that meat and bone scraps containing less than 50 per cent of protein had been substituted for meat and bone scraps containing 50 per cent of protein, and in that meat meal containing less than 55 per cent of protein had been substituted for meat meal containing 55 per cent of protein, which the respective articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein Min. 50%," borne on the sacks containing the meat and bone scraps, and the statements, to wit, "Guaranteed Analysis Protein Min. 55%," borne on the sacks containing the meat meal, were false and misleading, in that the said statements represented that the articles contained 50 per cent of protein, or 55 per cent of protein, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 50 per cent of protein or 55 per cent of protein, as the case might be, whereas the said articles did not contain the amount of protein declared on the labels but did contain in certain of the sacks a less amount.

On March 12, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $200.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14156. Adulteration of Brazil nuts. U. S. v. 22 Sacks of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20665. I. S. No. 1395–x. S. No. C–4886.)

On or about November 27, 1925, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 sacks of Brazil nuts, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the J. B. Inderrieden Co., Chicago, Ill., October 16, 1925, and transported from the State of Illinois into the State of Indiana, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 11, 1926, the J. B. Inderrieden Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The claimant paid the costs of the proceedings and petitioned for release of the product and tendered bond, in conformity with section 10 of the act, and it was ordered by the court that the bond be approved and the product delivered to the said claimant to be sorted under the supervision of this department and the decomposed portion destroyed.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14157. Adulteration of canned cherries. U. S. v. 7 Cases of Canned Pitted Cherries, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20700, 20744. I. S. Nos. 762–x. 770–x, 1054–x. S. Nos. W–1829, W–1840.)

On January 4 and 29, 1926, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 17 cases of canned black cherries and 7 cases of canned pitted cherries, remaining in the original unbroken packages in part at Hayward, Calif., and in part at Oakland, Calif., alleging that the article had been shipped by the Hunt Brothers Packing Co., from Salem, Oreg., on the respective dates of August 28 and 25, 1925, and charging adulteration in violation of the food and drugs act. The cans containing the article were labeled with the various brands: "Richelieu Brand Pitted White Royal Anne Cherries," "Batavia Brand Black Cherries," or "Richelieu Brand Black Cherries," as the case might be.

Adulteration of the article labeled "Richelieu Brand Black Cherries" and "Batavia Brand Black Cherries" was alleged in the libel filed relative thereto for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Adulteration of the article labeled "Richelieu Brand Pitted Cherries" was alleged for the reason that a substance, excessive sirup, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On March 26, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14158. Misbranding of Gordon's antiseptic. U. S. v. 24 Bottles and 6 Dozen Bottles of Gordon's Antiseptic. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20427, 20444. I. S. Nos. 97–x, 779–x. S. Nos. W–1780, W–1788.)

On September 18, 1925, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 8 dozen bottles of Gordon's antiseptic, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the G. M. Gordon Drug Co., from Dallas, Tex., in part June 13, 1925, and in part September 11, 1925, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of bismuth subgallate, magnesium oxide, charcoal, glycerin, water, and a trace of phenol.

Misbranding of the article was alleged in the libels for the reason that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label and carton) "Antiseptic For the Stomach and Bowels Intended to Assist Nature in relieving * * * Indigestion or Dyspepsia. * * * Ulcerated Conditions, Nausea, Vomiting * * * 3 doses a day will soon Convince you of its merit," (carton) "intended to give relief in stomach and bowel troubles. If you have a sore, ulcerated condition of the stomach and can only eat raw eggs or milk, we insist that you give our medicine a trial," (circular) "Do You Eat What You Like? Is Your Stomach Well And Your Digestion Good? Or do you have Dyspepsia, Constipation, Indigestion * * * Headache, Halitosis, Inability to Retain Food, Ulcers or Catarrhal Condition of the Stomach and Bowels? Gordon's Antiseptic is a Stomach Medicine praised by those who use it. * * * If you are now on a milk diet * * * give Gordon's Antiseptic a trial and be convinced of its merits. The health of every individual, to a great extent, depends upon the proper working of the digestive organs, for it is the food properly digested and prepared for assimilation that builds tissue and makes one strong. The common symptoms of a disordered stomach are lack of appetite, more or less nausea, coated tongue, bad taste, a feeling of fullness or burning in the pit of the stomach * * * bowels generally constipated, and gas in the stomach and bowels due to fermentation of undigested food. * * * Internal ulcers and inflammations require the use of an antiseptic the same as external. A few days' treatment with Gordon's Antiseptic * * * will convince you of its value in treating internal soreness, ulcers and inflammations of any kind. * * * Acute Indigestion And Ptomaine Poison * * * repeat dose * * * if necessary. Chronic Appendicitis—Gordon's Antiseptic should be taken immediately after first symptoms appear, and continue taking one to two teaspoonfuls after meals until soreness is gone. Halitosis (bad breath) * * * it removes the infection that is present and sweetens the breath. Colic Or Cramps In The Stomach Or Bowels * * * repeat the dose * * * if necessary * * * Don't Wait—Go to Your Druggist—Or Better Still, Phone for a Bottle Right Now. Recommended For Sick Stomach And Constipation During Pregnancy * * * Less Than 3 Cents a Dose—What's Your Stomach Worth? * * * A few of the many who have gotten relief from their suffering through the use of Gordon's Antiseptic and are constantly Telling other people to use it. * * * Stomach ulcers * * * Indigestion and toxic poisoning * * * Soreness in stomach * * * Stomach trouble * * * Acute indigestion; loss of weight * * * Ulcerated stomach * * * Chronic appendicitis * * * ulcers * * * Severe stomach trouble * * * Nervous headaches * * * Constant pain in stomach * * * Ulcers of the stomach * * * Acute indigestion * * * stomach trouble for years * * * Ulcerated stomach; inability to retain food" (testimonials) "My case was classed as ulcerated condition of the stomach and from what I gathered from the doctors was almost hopeless * * * But the fear of it all is gone now * * * one dose means relief and a bottle means a cure. * * * your prescription for the stomach, Gordon's Antiseptic, is the only one I can conscientiously recommend at all times for the stomach. It stops indigestion * * * one or two bottles will relieve the cause. * * * If you have stomach trouble use Gordon's Antiseptic. * * * I suffered with stomach trouble for several years and very bad for a year * * * I have taken three bottles of Gordon's Antiseptic and am now able to work. I think it is the best medicine one can get for stomach trouble. My mouth was sore, so was my throat, and I was raw inside from my mouth to my stomach and burned all the time until I took this medicine. I highly recommend it to anyone suffering from stomach trouble * * * Your Stomach Antiseptic cured me * * * For the past thirty-five years I have been continually bothered with indigestion and stomach trouble, but for the past ten years this has developed into ulcers and I have tried every known remedy * * * when I had used six bottles of your Antiseptic I was well, and my health is good."

On February 26, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14159. Adulteration of butter. U. S. v. Bozeman Creamery Co. Plea of guilty. Fine, $25.** (F. & D. No. 19737. I. S. No. 20134–v.)

On February 1, 1926, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bozeman Creamery Co., a corporation, Bozeman, Mont., alleging that the said company had sold, under a guarantee that the article would meet the requirements of the Federal food and drugs act, a quantity of butter which was adulterated, and that the Henningsen Produce Co., the purchaser thereof, had shipped the said butter, on or about June 12, 1925, from the State of Montana into the State of California, in further violation of said act. The article was labeled in part: "Bozeman, Mont. Bozeman Cry. Co."

Adulteration of the article was alleged in the information for the reason that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On February 23, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14160. Adulteration and misbranding of quinine bisulphate tablets. U. S. v. the National Drug Co. Plea of nolo contendere. Fine, $12.50.** (F. & D. No. 19311. I. S. No. 13041–v.)

On January 21, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Drug Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about April 8, 1924, from the State of Pennsylvania into the State of Connecticut, of a quantity of quinine bisulphate tablets which were adulterated and misbranded. The article was labeled in part: "1,000 Compressed Tablets Sugar Coated White Quinine Bisulphate 2 grain * * * Manufactured by The National Drug Co. Philadelphia, Pa."

Analysis of samples of the tablets showed that they contained 1⅔ grains of quinine bisulphate each.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that each tablet was represented to contain 2 grains of quinine bisulphate, whereas each of said tablets contained less than 2 grains of quinine bisulphate.

Misbranding was alleged for the reason that the statement, to wit, "Tablets * * * Quinine Bisulphate 2 grain," borne on the labels, was false and misleading, in that the said statement represented that each of the said tablets contained 2 grains of quinine bisulphate, whereas each of said tablets contained less than 2 grains of quinine bisulphate.

On March 19, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $12.50.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14161. Adulteration and misbranding of nitroglycerin tablets, caffeine alkaloid tablets, and morphine diacetyl tablets. U. S. v. the National Drug Co. Plea of nolo contendere. Fine, $12.50.** (F. & D. No. 18754. I. S. Nos. 879–v, 880–v, 881–v, 883–v, 1084–v, 1087–v, 1092–v.)

On September 12, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Drug Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, from the State of Pennsylvania, on or about October 3 and 5, 1923, respectively, into the State of Maryland, and on or about October 10 and 12, 1923, respectively, into the State of Georgia, of various consignments of nitroglycerin tablets, caffeine alkaloid tablets, and morphine diacetyl tablets which were adulterated and misbranded.

Analysis by the Bureau of Chemistry of this department of two samples of each kind of the nitroglycerin tablets, two samples of the caffeine alkaloid tablets, and one sample of the morphine diacetyl tablets showed that the nitroglycerin tablets labeled "1/50 Grain" contained 1/213 and 1/143 grain,

respectively, of nitroglycerin per tablet, and those labeled "1/100 Grain" contained 1/333 and 1/185 grain, respectively, of nitroglycerin per tablet, the caffeine alkaloid tablets, labeled "1/2 Grain," contained 44/100 and 43/100 grain, respectively, of caffeine alkaloid per tablet, and the morphine diacetyl tablets, labeled "1/24 grain," contained 1/28 grain of morphine diacetyl per tablet.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the said tablets to contain 1/50 grain of nitroglycerin, 1/100 grain of nitroglycerin, 1/2 grain of caffeine alkaloid, or 1/24 grain of morphine diacetyl, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof.

Misbranding was alleged with respect to the 1/100 grain nitroglycerin tablets consigned into Maryland, October 5, 1923, for the reason that the statement, to wit, "100 Tablet Triturates Nitroglycerin 1-100 Grain In each Tablet Manufactured and Guaranteed by The National Drug Co. Philadelphia Pa.," borne on the labels attached to the bottles containing the article, was false and misleading, in that it represented that each of said tablets contained 1/100 grain of nitroglycerin, whereas each of said tablets contained less than 1/100 grain of nitroglycerin.

Misbranding was alleged with respect to the remainder of the products for the reason that the statements, to wit, "100 Hypodermic Tablets Nitroglycerin 1-50 Grain Manufactured and Guaranteed by The National Drug Co. Philadelphia, Pa. under the Food and Drugs Act June 30, 1906. Serial No. 734," "300 Hypodermic Tablets Caffeine Alkaloid 1-2 Grain in each tablet Manufactured and Guaranteed by The National Drug Co. Philadelphia, Pa. Under the Food and Drugs Act June 30th, 1906. Serial No. 734," "500 Tablet Triturates Morphine Diacetyl 1-24 Grain Guaranteed by The National Drug Co. under the Food and Drugs Act, June 30th, 1906. Serial No. 734," "500 Tablet Triturates Nitroglycerin 1-50 Grain in each tablet Manufactured and Guaranteed by The National Drug Co. Philadelphia, Pa. under the Food and Drugs Act June 30th, 1906. Serial No. 734," "500 Hypodermic Tablets Nitroglycerin 1-100 Grain in each tablet Manufactured and Guaranteed by The National Drug Co. Philadelphia, Pa. under the Food and Drugs Act June 30th, 1906. Serial No. 734," "500 Tablet Triturates Caffeine (Alkaloid) 1-2 grain Manufactured and Guaranteed by The National Drug Co. Philadelphia, Pa. under the Food and Drugs Act June 30th, 1906. Serial No. 734," borne on the labels attached to the bottles containing the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, and that they conformed with the food and drugs act of June 30, 1906, whereas the said tablets contained less than declared on the labels, and did not conform to the said food and drugs act.

On March 19, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $12.50.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14162. Adulteration of walnuts. U. S. v. 29 Bags of Walnuts. Default decree of condemnation and forfeiture. Decomposed portion destroyed; good portion sold.** (F. & D. No. 20767. I. S. No. 362-x. S. No. W-1845.)

On January 15, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 bags of walnuts, remaining in the original unbroken packages at Denver, Colo., and consigned by S. H. Kress & Co., Houston, Tex., alleging that the article had been shipped from Houston, Tex., on or about December 12, 1925, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled: (Bag) "New Crop B King Valley Walnuts Selected and Packed by B D I Company I L Products of France," (tag) "Kress Houston Texas Store S. H. Kress & Co. Denver Colo."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 19, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal destroy all the decomposed nuts and sell the portion fit for food.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14163. Adulteration of canned string beans. U. S. v. 146 Cases of Canned String Beans. Default decree of condemnation, forfeiture, and destruction.** (F & D. No. 20650. I. S. No. 9539–x. S. No. C–4879.)

On November 24, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 146 cases of canned string beans, at Wichita Falls, Tex., consigned by Appleby Bros., Fayetteville, Ark., alleging that the article had been shipped from Fayetteville, Ark., on or about September 11, 1925, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Zat-Zit Brand Cut String Beans Appleby's Stands For Quality Packed By Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14164. Adulteration of canned stringless beans. U. S. v. 155 Cases of Canned Stringless Beans. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20659. I. S. No. 9540–x. S. No. C–4884.)

On or about December 8, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 155 cases of canned stringless beans, at Quanah, Tex., alleging that the article had been shipped from Fayetteville, Ark., consigned by the Litteral Canning Co., Fayetteville, Ark., on or about September 3, 1925, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Cabro Brand Cut Stringless Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 22, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14165. Adulteration of canned sardines. U. S. v. 700 Cases of Sardines. Decree of condemnation and destruction entered.** (F. & D. No. 17847. I. S. No. 852–v. S. No. E–4501.)

On October 5, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 700 cases of sardines, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., on or about September 6, 1923, and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co. Lubec, Washington Co. Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 5, 1923, a decree of the court was entered, ordering the condemnation and destruction of the product.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14166. Misbranding of Foley kidney pills. U. S. v. 16 Dozen Small Size Bottles, et al., of Foley Kidney Pills. Default order of destruction entered.** (F. & D. No. 18048. I. S. Nos. 19429–v, 19430–v. S. No. C–4178.)

On November 14, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 dozen small-size bottles and 1½ dozen large-size bottles, of Foley kidney pills, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., on or about October 26, 1923, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, both sizes) "Kidney Pills For Irritation of Kidneys and Bladder," (circular, both sizes) "for Backache and Rheumatism due to Kidney Disorders * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * 2nd—The bowels must be kept active * * * 3rd—The diet is of great importance, (circular, large size only) "satisfaction guaranteed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above quoted statements borne on the labels regarding the curative and therapeutic effects of the said article, were false and fraudulent, in that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the said statements.

On December 3, 1924, no claimant having appeared for the property, an order was entered by the court for the destruction of the product.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14167. Misbranding of Plough's prescription C–2223. U. S. v. 87 Bottles, et al., of Plough's Prescription C–2223. Default order of destruction entered.** (F. & D. Nos. 17364, 17365. I. S. Nos. 5182–v, 5183–v, 5185–v, 5186–v. S. Nos. C–3930, C–3931, C–3932, C–3933.)

On March 16, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 129 bottles, fifty cent size, and 55 bottles, dollar size, of Plough's prescription C–2223, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Plough Chemical Co., from Memphis, Tenn., in various consignments between the dates of August 16, 1922, and January 27, 1923, and transported from the State of Tennessee into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label) "A Blood Purifier Recommended For Treatment Of Rheumatism * * * In severe cases, take * * * until relieved," (carton label, fifty cent size) "A Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions," (carton label, dollar size) "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions, Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood," (circular, both sizes) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back, Blood Disorders, Eczema, Chronic Sores and Similar diseases Caused by Bad Blood * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C–2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women, and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C–2223 * * * for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C–2223 * * *

'conditions due to tainted blood, it acts as a specific' * * * 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute and chronic cases.' * * * Prescription C–2223 has relieved so many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodid, extracts of plant drugs including colchicum, a trace of salicylic acid, anise flavor, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the bottles, containers, and cartons, regarding the curative and therapeutic effects of the said article, were false and fraudulent, in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it in the above quoted statements.

On December 10, 1924, no claimant having appeared for the property, default orders of destruction were entered by the court.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14168. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20979. I. S. No. 7927–x. S. No. E–5657.)

On March 2, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 tubs of butter, shipped on February 16, 1926, and remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Jamestown Cooperative Creamery Co., Hudsonville, Mich., and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the package.

On March 15, 1926, the Phenix Cheese Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,300, in conformity with section 10 of the act, conditioned in part that the product be reworked and reprocessed so as to contain at least 80 per cent of butterfat and that the quantity of the contents be plainly and conspicuously marked on the package.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14169. Adulteration and misbranding of olive oil. U. S. v. 25 Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 19988, 19989, 19990, 19991, 19992. I. S. Nos. 13944–v, 13945–v, 14247–v to 14253–v, incl. S. Nos. E–5274, E–5275, E–5276, E–5277, E–5281.)

On April 16, 1925, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 15 cases and 119 cans of olive oil, remaining in the original unbroken packages in part at Boston, Mass., and in part at Brockton, Mass., alleging that the article had been shipped by Pace & Sons, from Providence, R. I., in various consignments, February 2 and 3, and March 5, 17, and 18, 1925, respectively, and transported from the State of Rhode Island into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) * * * Contents One Full Gallon" (or "Contents One Quart").

Adulteration of the article was alleged in the libels for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona A Mare (Italy) Products Of Italy This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. It Is Used For * * * Medicinal Use" (last statement also in Italian), together with a cut showing a castle, other cuts showing olive sprays bearing olives, and the statements "Contents One Full Gallon" or "Contents One Quart," as the case might be, borne on the said labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured, in that the label stated that it was manufactured in Italy, whereas it was not manufactured in Italy, for the further reason that it purported to be a foreign product when not so, for the further reason that it was offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 12, 1926, the cases having been consolidated into one cause of action and Albert Pace, of Pace & Sons, Providence, R. I., claimant, having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be properly labeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14170. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20980. I. S. No. 6240–x. S. No. E–5674.)

On March 10, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Robinson Cooperative Creamery, Springfield, Tenn., alleging that the article had been shipped from Springfield, Tenn., on or about March 2, 1926, and transported from the State of Tennessee into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tub) "Butter Robinson Co. Co-op. Creamery Butter Springfield, Tenn."

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On March 24, 1926, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, the terms of said bond requiring that the product be reconditioned in accordance with the ruling of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14171. Adulteration and misbranding of jellies. U. S. v. 3 Cases of Apple Mint Jellies, et al. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 20614. I. S. Nos. 180–x to 185–x, incl. S. No. W–1815.)

On November 14, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 14 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by Hoffman & Greenlea, from San Francisco, Calif., on or about January 22, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Preferred Stock Brand Jelly * * * Apple Mint" (or "Strawberry" or "Raspberry" or other fruit flavors).

Adulteration of the articles was alleged in substance in the libel for the reason that substances, pectin and fruit jellies, had been mixed and packed with the assorted jellies, and pectin and fruit jellies with added tartaric acid had been mixed and packed with the remaining jellies, so as to reduce, lower, or injuriously affect their quality and strength and in that said substances had been substituted wholly or in part for normal jellies of good commercial quality.

Misbranding was alleged for the reason that the statements, "Raspberry" (or "Apple Mint," "Strawberry" or other fruit, as the case might be) "Jelly," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On March 17, 1926, the Shaw Family, Inc., a California Corporation, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $50, conditioned in part that they not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14172. Adulteration and misbranding of jellies. U. S. v. 21 Cases of Assorted Jellies, et al. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 20725. I. S. Nos. 952–x to 971–x, incl. S. No. W–1832.)

On December 18, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of various jellies, remaining in the original unbroken packages at Portland, Oreg., alleging that the articles had been shipped by Hoffman & Greenlea, from San Francisco, Calif., on or about October 1, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Preferred Stock Brand Jelly," and were further labeled, "Currant," "Quince," "Blackberry," "Strawberry," "Loganberry," "Crabapple," "Raspberry," "Plum," "Grape," or "Apple Mint Flavor," as the case might be, and "Artificially Colorded and Flavored.'

Adulteration was alleged in the libel with respect to all the jellies with the exception of the strawberry jelly for the reason that pectin and tartaric acid had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been substituted wholly or in part for normal jellies of good commercial quality.

Adulteration was alleged with respect to the strawberry jelly for the reason that a substance, pectin and fruit jelly, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for normal jelly of good commercial quality.

Misbranding was alleged for the reason that the statement, "Currant," or other fruit, as the case might be, borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On March 17, 1926, the Shaw Family, Inc., a California corporation, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, conditioned in part that they not be sold or otherwise disposed of until relabeled in a manner satisfactory to this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14173. Misbranding of butter. U. S. v. 9 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20926, 20927. I. S. Nos. 10611–x, 10660–x, 10661–x. S. Nos. W–1908, W–1909.)

On February 23, 1926, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 119 cases of butter, and on March 4, 1926, an amended libel with respect to 99 cases of the product, alleging that the article had been shipped by Armour Creameries, from Pocatello, Idaho, February 13, 1926, and that it had been transported from the State of Idaho into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article consisted of 1-pound prints, 2-pound prints, and cartons containing 4 quarter-pound prints of butter, labeled variously: "Woodlawn Brand," "Cloverbloom Brand," and "Supreme Fancy Creamery Butter," and bearing statements as to net weight as hereinafter set forth.

Misbranding of the article was alleged in the libels for the reason that the statements, "Net Weight One Pound," "Net Weight 2 Pounds," "1 Lb. Net Weight," "Net Weight 4 Ounces," "One Pound Net Weight," "2 Pounds Net Weight," "Two Pounds Net Weight," and "Net Weight Four Ounces," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, since the packages contained lesser quantities than declared, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On March 19, 1926, Armour & Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $3,050, conditioned in part that it be made to conform with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14174. Misbranding of cottonseed cake. U. S. v. 800 Sacks and 900 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20835. I. S. Nos. 3837–x, 3838–x. S. No. C–4947.)

On or about February 15, 1926, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,700 sacks of cottonseed cake, at Scottsbluff, Nebr., alleging that the article had been shipped by the Dallas Oil & Refining Co., from Dallas, Tex., on or about January 26, 1926, and transported from the State of Texas into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "100 Pounds Net Cotton Seed Cake Or Meal Manufactured by Dallas Oil & Refining Company, Dallas, Texas. Analysis: Protein 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Analysis: Protein 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On March 20, 1926, the Dallas Oil & Refining Co., Dallas, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered, finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $8,000, conditioned in part that it be relabeled under the surveillance of this department by obliterating the statement "43 per cent" from the label, and making the said label read "41 per cent."

C. F. Marvin, *Acting Secretary of Agriculture.*

**14175. Adulteration of shell eggs. U. S. v. Ronamie B. Brannan and Robert P. Reynolds (Brannan & Reynolds). Pleas of guilty. Fine, $50.** (F. & D. No. 19734. I. S. No. 4201–x.)

On January 16, 1926, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ronamie B. Brannan and Robert P. Reynolds, copartners, trading as Brannan & Reynolds, Blocker, Okla., alleging shipment by said defendants, in violation

of the food and drugs act, on or about June 29, 1925, from the State of Oklahoma into the State of Arkansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Brannan & Reynolds, Blocker, Okla."

Examination by the Bureau of Chemistry of this department of 180 eggs from the one case comprising the shipment showed 128, or 71.1 per cent, inedible eggs, consisting of black rots, mixed rots, spot rots, blood rings, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 27, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14176. Adulteration and misbranding of canned cherries. U. S. v. 13 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20783. I. S. No. 769–x. S. No. W–1849.)

On January 21, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cases of canned cherries, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Olympia Canning Co., from Olympia, Wash., August 27, 1925, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Ferndell Brand White Royal Anne Cherries Net Weight One Pound."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water or sirup, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "White Royal Anne Cherries Net Weight One Pound," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14177. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20905. I. S. No. 10490–x. S. No. W–1900.)

On February 13, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Burley, Idaho, February 11, 1926, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article violated section 7 of the said act, paragraph 2 under foods, in that it was deficient in milk fat content.

On March 3, 1926, the Idaho Creamery Co. and E. E. Snapp, Burley, Idaho, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, finding the product adulterated, in that a valuable constituent, butterfat, had been abstracted therefrom, and it was ordered by the court that the product be condemned and forfeited. It was further ordered that the said product be released to the claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, the terms of said bond requiring that it be reconditioned under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14178. Adulteration of tomato puree. U. S. v. 25½ Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20834. I. S. No. 5468-x. S. No. E-5627.)

On February 9, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25½ cases of tomato puree, remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by the Keough Canning Co., Glassboro, N. J., and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 17, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14179. Adulteration of butter. U. S. v. 30 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20984. I. S. No. 6220-x. S. No. E-5682.)

On March 15, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Elsdon, Ill., by the Farmers Union Cooperative Creamery, Kansas City, Mo., on or about March 8, 1926, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

It was further alleged in the libel that a valuable constituent of the article, butterfat, had been wholly or in part abstracted therefrom.

On March 31, 1926, the Farmers Union Cooperative Creamery having appeared as claimant for the property, judgment of condemnation and forfeiture was entered with respect to 13 tubs of the product, and it was ordered by the court that the said 13 tubs of butter be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, the terms of said bond providing that the product not be sold until reconditioned under the supervision of this department, nor otherwise disposed of contrary to law.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14180. Misbranding of butter. U. S. v. 2 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21012. I. S. No. 10519-x. S. No. W-1947.)

On March 26, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 cases of butter, remaining in the original unbroken packages at Seattle, Wash., in possession of a common carrier, alleging that the article had been prepared for shipment by the Mutual Creamery Co., Seattle, Wash., and was to have been shipped in interstate commerce to the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Maid O'Clover Butter One Pound Net When Packed Guaranteed by Mutual Creamery Co., Manufacturers and Distributors, U. S. A."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 2, 1926, the Mutual Creamery Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be relabeled under

the supervision of this department, and it was further provided in the decree that the claimant file a bond in the sum of $100, to insure disposition of the product in accordance with law.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14181. Adulteration and misbranding of ground mace. U. S. v. 28 Pounds of Ground Mace. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20382. I. S. No. 6917–x. S. No. E–5476.)

On or about August 25, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 pounds of ground mace, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been delivered for shipment by the Knickerbocker Mills Co., New York, N. Y., on or about June 22, 1925, for transportation from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Ground Mace."

Adulteration of the article was alleged in the libel for the reason that substances, added cornmeal and nutmeg, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, to wit, "Pure Ground Mace," was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

During the month of January, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14182. Adulteration and misbranding of morphine sulphate tablets, codeine sulphate tablets, strychnine sulphate tablets, tincture nux vomica, fluidextract ipecac, tincture cinchona, and fluidextract nux vomica. U. S. v. Daggett & Miller Co. Plea of guilty. Fine, $22.** (F. & D. No. 19714. I. S. Nos. 13681–v, 13683–v, 13972–v, 14337–v, 14397–v, 14398–v, 14399–v, 16964–v, 16966–v, 24405–v, 24406–v.)

On March 9, 1926, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Daggett & Miller Co., a corporation, Providence, R. I., alleging shipment by said company, in various consignments, between the dates of July 25, 1924, and May 12, 1925, from the State of Rhode Island into the State of New Jersey, of quantities of morphine sulphate tablets, codeine sulphate tablets, and strychnine sulphate tablets, from the State of Rhode Island into the State of Massachusetts, of quantities of tincture nux vomica, fluidextract ipecac, tincture cinchona, fluidextract nux vomica, and codeine sulphate tablets, and from the State of Rhode Island into the State of Maine, of a quantity of codeine sulphate tablets and strychnine sulphate tablets which articles were adulterated and misbranded. The articles were labeled in part: "300 Morphine Sulphate * * * 1/8 Gr."; "Codeine Sulphate 1/4 Gr."; "Strychnine Sulphate * * * 1/60 Gr."; "Strychnine Sulphate * * * 1/40 Gr."; "Fluid Extract Nux Vomica (Strychnos Nux Vomica) U. S. P. 1900 Assayed And Standardized"; "Poison Tinct. Nux Vomica U. S. P."; "Fluid Extract Ipecac * * * U. S. P. 1900"; "Tincture Of Cinchona"; and were further labeled: "Daggett & Miller Co. Providence, R. I."

Adulteration of the morphine sulphate tablets, codeine sulphate tablets, and strychnine sulphate tablets was alleged in the information for the reason that their strength and purity fell below the professed standard under which they were sold, in that the labels represented that the said tablets contained 1/8 grain of morphine sulphate, 1/4 grain of codeine sulphate, 1/60 grain of strychnine sulphate, or 1/40 grain of strychnine sulphate, as the case might be, whereas each of said tablets contained less of the product than so represented.

Misbranding of the said tablets was alleged for the reason that the statements, to wit, "Morphine Sulphate * * * 1/8 Gr.," "Codeine Sulphate 1/4 Gr.," "Strychnine Sulphate * * * 1/60 Gr.," or "Strychnine Sulphate * * * 1/40 gr.," as the case might be, borne on the labels of the respective

products, were false and misleading, in that the said statements represented that each of the said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

Adulteration of the tincture nux vomica and the tincture cinchona was alleged for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength as determined by the tests laid down in said pharmacopœia, official at the time of investigation of the articles, in that the tincture of nux vomica yielded not less than 0.277 gram of the alkaloids of nux vomica per 100 mils, whereas said pharmacopœia provides that 100 mils of tincture of nux vomica shall yield not more than 0.263 gram of the alkaloids of nux vomica; and the tincture of cinchona yielded not more than 0.446 gram of the alkaloids of cinchona per 100 mils, whereas said pharmacopœia provides that tincture of cinchona shall yield not less than 0.8 gram of the alkaloids of cinchona per 100 mils; and the standard of strength of the said articles was not declared on the containers thereof.

Misbranding of the tincture nux vomica and the tincture cinchona was alleged for the reason that the statements, to wit, "Tinct. Nux Vomica U. S. P." and "Tincture Of Cinchona," borne on the labels, were false and misleading, in that the said statements represented that the articles were tincture of nux vomica or tincture of cinchona, as the case might be, as defined in the United States Pharmacopœia, whereas they were not.

Adulteration of the fluidextract ipecac and the fluidextract nux vomica was alleged for the reason that their strength fell below the professed standard under which they were sold, in that they were sold under the standard provided for said articles in the 1900 revision of the United States Pharmacopœia, and did not conform thereto, in that said pharmacopœia provides that 100 cubic centimeters of fluidextract ipecac shall contain 1.5 grams of the alkaloids from ipecac, whereas the said fluidextract ipecac contained not more than 0.61 gram of the alkaloids of ipecac per 100 cubic centimeters, and that the fluidextract nux vomica shall contain but 1 gram of strychnine per 100 cubic centimeters, whereas the said fluidextract nux vomica contained more than so provided, the two shipments of fluidextract nux vomica containing 1.282 grams and 1.295 grams, respectively, of strychnine per 100 cubic centimeters.

Misbranding of the said fluidextract ipecac and fluidextract nux vomica was alleged for the reason that the statements, to wit, "Fluid Extract Ipecac (Cephaelis Ipecacuanha) U. S. P. 1900 Assayed And Standardized * * * Guaranteed under the Food and Drugs Act, June 30, 1906 No. 2463" and "Fluid Extract Nux Vomica (Strychnos Nux Vomica) U. S. P. 1900 Assayed And Standardized * * * Guaranteed under the Food and Drugs Act, June 30, 1906, No. 2463," borne on the labels, were false and misleading, in that the said statements represented that the articles were fluidextract ipecac or fluidextract nux vomica, as the case might be, as defined in the 1900 revision of the pharmacopœia, and that the Government had guaranteed said articles to be in compliance with the food and drugs act, whereas the said articles were not fluidextract ipecac or fluidextract nux vomica as so defined, and the Government had not guaranteed them to be in compliance with the said act.

On April 1, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $22.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14183. Misbranding of Bowman's abortion remedy. U. S. v. 6 Boxes of Bowman's Abortion Remedy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20466. I. S. No. 1220-x. S. No. C-4826.)

On September 28, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 boxes of Bowman's abortion remedy, remaining in the original unbroken packages at Two Rivers, Wis., alleging that the article had been shipped by the Erick Bowman Remedy Co., from Owatonna, Minn., on or about September 15, 1925, and transported from the State of Minnesota into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box) "Bowman's Abortion Remedy—Directions for use of Bowman's Abortion Remedy."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of wheat shorts and brown sugar with traces of compounds of calcium and sulphur, and a phenolic substance.

Misbranding of the article was alleged in the libel for the reason that the statements "Bowman's Abortion Remedy—Directions for use of Bowman's Abortion Remedy," borne on the label, regarding the curative and therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or substance capable of producing the effects claimed.

On February 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14184. Misbranding of tea. U. S. v. 415 Cartons and 107 Cartons of Tea. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20972. I. S. Nos. 10508–x, 10509–x. S. No. W–1932.)

On March 29, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 522 cartons of tea, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Tea Bags Mfg. Co., from San Francisco, Calif., December 3, 1925, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Carton) "100 Ind. Tea Bags "Extra Choice" Orange Pekoe And Pekoe Ceylon Black Tea D. Davies & Co. Seattle, Wash." The remainder of the said article was labeled in part: (Carton) "100 Ind. Tea Bags "Extra Choice" Natural Leaf Japan Green D. Davies & Co. Seattle, Wash."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 31, 1926, Dan Davies, trading as D. Davies & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, conditioned in part that it be relabeled under the supervision of this department and that the weight be designated on the cartons.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14185. Adulteration of butter. U. S. v. 9 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20991. I. S. No. 1091–x. S. No. W–1925.)

On or about March 16, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 28 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Fernwood Dairy, from Portland, Oreg., March 6, 1926, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fernwood Dairy 15 Union Avenue, Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article.

On March 30, 1926, the Fernwood Dairy, Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,400, conditioned in part that it be made to conform with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14186. Misbranding of nut margarine. U. S. v. 40 Boxes, et al., of Nut Margarine. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral.** (F. & D. No. 20967. I. S. Nos. 876–x, 877–x. S. No. W–1937.)

On March 22, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 boxes of nut margarine, at Portland, Oreg., alleging that the article had been shipped by Morris & Co., from Los Angeles, Calif., on or about March 10, 1926, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: (Carton) "Morola Nut Margarine Oleomargarine One Pound Net. Morris & Company Distributors Los Angeles, Calif." The remainder of the said article was labeled: (Carton) "Morris Supreme Marigold Nut Oleomargarine 1 Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statements "One Pound Net" and "1 Pound Net Weight," borne on the cartons containing the respective lots, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about March 25, 1926, Morris & Co., Los Angeles, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of a certified check of a sufficient amount to insure compliance with the decree, said check to be returned if the product be not sold or otherwise disposed of in violation of the law until it has been reconditioned in a manner satisfactory to this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14187. Misbranding of feeds. U. S. v. Corydon T. Schreiber and Ernest F. Schreiber. Pleas of guilty. Fine, $10 and costs.** (F. & D. No. 17423. I. S. Nos. 10426–v, 10427–v, 10428–v, 10429–v, 10432–v.)

On November 2, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Corydon T. Schreiber and Ernest F. Schreiber, formerly copartners, trading as Schreiber Flour & Cereal Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about August 14, 1922, from the State of Missouri into the State of Kansas, of quantities of feeds which were misbranded. The articles were labeled in part variously: "Corn Chop," "Schreiber's Hen Scratch," "Butter-Fat Dairy Feed," or "Whole Ground Barley," as the case might be, and were further labeled: "100 lbs. Net When Packed * * * Manufactured By Schreiber Flour & Cereal Co. Kansas City, Missouri."

Misbranding of the articles was alleged in the information for the reason that the statement "100 lbs. Net," borne on the tags attached to the sacks containing the said articles, was false and misleading, in that the said statement represented that each of the said sacks contained 100 pounds of feed, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the sacks contained 100 pounds of feed, whereas each of the said sacks did not contain 100 pounds of feed but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

It was alleged in the information that the product labeled "Butter-Fat Dairy Feed" was further misbranded, in that the statements, to wit, "Guaranteed Analysis Protein — Minimum — 14.00% Fat — Minimum — 4.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article contained not less than 14 per cent of protein and not less than 4 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 14 per cent of protein and not less than 4 per cent of fat, whereas the said article contained less

protein and fat than so represented, namely, 12.56 per cent of protein and 3.17 per cent of fat.

On February 2, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $5 and costs against each defendant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14188. Adulteration and misbranding of feeds. U. S. v. Ernest F. Schreiber and Corydon T. Schreiber. Pleas of guilty. Fine, $20 and costs.** (F. & D. No. 17922. I. S. Nos. 6514-v, 6526-v.)

On March 31, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ernest F. Schreiber and Corydon T. Schreiber, formerly copartners, trading as Schreiber Flour & Cereal Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the food and drugs act, in two shipments, on or about August 9, 1922, and September 6, 1922, respectively, from the State of Missouri into the State of Arkansas, of quantities of feeds which were adulterated and misbranded. The consignment of August 9, 1922, was labeled in part: (Tag) "Wheat Shorts and Screenings * * * Ingredients: Wheat Shorts, Screenings with Bran Siftings not to exceed 8% Manufactured By Schreiber Flour & Cereal Co. Kansas City, Missouri." The consignment of September 6, 1922, was labeled in part: (Tag) "Flour Middlings & Screenings * * * Ingredients: Wheat Shorts, Low Grade Flour, Wheat Mixed Feed with Maximum 8% Wheat Scgs. Manufactured By Schreiber Flour & Cereal Co. Kansas City, Mo."

Adulteration of each consignment was alleged in the information for the reason that an article which contained ground wheat bran and corn meal, and which contained little, if any, wheat shorts, had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Wheat Shorts and Screenings * * * Ingredients: Wheat Shorts, Screenings with Bran Siftings not to exceed 8%," borne on the labels of the consignment of August 9, 1922, and the statements, to wit, "Flour Middlings & Screenings * * * Ingredients: Wheat Shorts, Low Grade Flour, Wheat Mixed Feed with Maximum 8% Wheat Scgs.," borne on the labels of the consignment of September 6, 1922, were false and misleading, in that the said statements represented that the former consisted of wheat shorts and screenings, with bran siftings not to exceed 8 per cent, and that the latter was composed of flour middlings and screenings, wheat shorts, low grade flour, and wheat mixed feed with a maximum of 8 per cent wheat screenings, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said declared ingredients, whereas they were not so composed but were composed in part of a product which contained ground wheat bran and corn meal, and which contained little, if any, wheat shorts.

On February 2, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 and costs against each defendant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14189. Misbranding of cottonseed meal. U. S. v. South Texas Cotton Oil Co. Plea of guilty. Fine, $25.** (F. & D. No. 19655. I. S. Nos. 2469-v, 2470-v.)

On August 13, 1925, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the South Texas Cotton Oil Co., a corporation, Victoria, Tex., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, on or about August 15 and 19, 1924, respectively, from the State of Texas into the State of New York, of quantities of cottonseed meal which was misbranded. The shipment of August 15, 1924, was labeled in part: (Tag) "100 Lbs. Net * * * Cotton Seed Meal * * * Guaranteed Analysis Ammonia 8.37% Protein 43.00% * * * Nitrogen 6.88% Fibre 10.00%." The shipment of August 19, 1924, was labeled in part: (Sack) "100 Pounds (Net) 43% Protein Cotton Seed Meal Prime Quality Manufactured by South Texas Cotton Oil Company Victoria, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Examination by the Bureau of Chemistry of this department of 50 sacks from the shipment of August 15 showed an average net weight of 97.39 pounds.

Misbranding of the articles was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis Ammonia 8.37% Protein 43.00% * * * Nitrogen 6.88% Fibre 10.00%" and "100 Lbs. Net," borne on the tags attached to the sacks containing the product shipped August 15, 1924, and the statements, "43% Protein Cotton Seed Meal * * * Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per cent" and "100 Pounds (Net)," borne on the labeling of the remaining shipment, were false and misleading, in that the said statements represented that the article contained ammonia, protein, nitrogen, and fiber, in the percentages declared on the labels, and that the sacks in the shipment of August 15 contained 100 pounds of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the said ingredients in the percentages declared on the labels, and that the sacks contained 100 pounds of the article, whereas the article did not contain the said ingredients in the percentages declared in that the product consigned August 15, 1924, contained 7.64 per cent of ammonia, approximately 39.26 per cent of protein, 6.29 per cent of nitrogen, and approximately 14.55 per cent of fiber, and the product consigned August 19, 1924, contained approximately 38.53 per cent of crude protein and approximately 13.92 per cent of crude fiber, and the sacks in the shipment of August 15 did not contain 100 pounds net of the article but did contain a less amount.

Misbranding was alleged with respect to the product shipped August 15 for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14190. Misbranding of meat scraps. U. S. v. 82 Sacks of Meat Scraps. Decree finding product misbranded and ordering its release.** (F. & D. No. 20768. I. S. No. 9582-x. S. No. W-1843.)

On January 15, 1926, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 82 sacks of meat scraps, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Colorado Animal By-Products Co., from Denver, Colo., on or about September 25, 1925, and transported from the State of Colorado into the State of Utah, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Golden Brand Meat Scraps, Protein 50 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 50 per cent," borne on the label, was false and misleading and deceived and misled the purchaser, in that the product was deficient in protein.

On February 15, 1926, the Colorado Animal By-Products Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, an order was entered, providing for release of the product, the product to be relabeled under the supervision of this department upon the execution of a bond in the sum of $500, in conformity with section 10 of the act. On April 1, 1926, the claimant having paid the costs of the proceedings and the product having been relabeled to show the correct protein content, a decree was entered by the court, adjudging the product to be misbranded and ordering that it be released from the operation of the libel and the bond exonerated.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14191. Misbranding of Sirup of Ambrozoin. U. S. v. 23 Bottles of Sirup of Ambrozoin. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20514. I. S. No. 1225-x. S. No. C-4839.)

On October 20, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 23 bottles of Sirup of Ambrozoin, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the American Apothecaries Co., from Astoria, N. Y., on or about June 9, 1925, and transported from the State of New York into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "Bronchitis Laryngitis Asthma Whooping Cough Pulmonary Phthisis And Other Respiratory Affections In Which A Mild Sedative Or Expectorant Is Required * * * Allays Cough, Promotes Expectoration, Exerts A Soothing Influence On The Inflamed Mucous Membrane Of The Bronchial And Pulmonary Passages And Relieves Congestion Of The Respiratory Organs * * * Dose * * * Repeated * * * Until Cough Is Allayed And Respiratory Discomfort Is Overcome," (carton) "Bronchitis Laryngitis Asthma Whooping Cough Pulmonary Phthisis * * * And Other Respiratory Affections In Which A Mild Sedative Or Expectorant Is Required * * * Allays Cough Promotes Expectoration * * * Exerts A Soothing Influence On The Inflamed Mucous Membrane Of The Respiratory Passages."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ammonium chloride, sodium and potassium bromides, small amounts of plant extracts, a trace of creosote, benzoic acid, alcohol, sugar and water.

Misbranding of the article was alleged in the libel for the reason that the above quoted statements, borne on the bottle and carton labels, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14192. Adulteration and alleged misbranding of butter. U. S. v. 82 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20907. I. S. No. 5740–x. S. No. E–5384.)

On February 17, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 82 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Iowa Falls Creamery Co., from Iowa Falls, Ia., February 4, 1925 (1926), and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On February 27, 1926, the Iowa Falls Creamery Co., Iowa Falls, Iowa, having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,300, conditioned in part that it not be sold or otherwise disposed of contrary to law. The decree provided further that the claimant be permitted to recondition and rework the butter under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14193. Adulteration of apples. U. S. v. 153 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20936. S. No. E–5666.)

On or about March 18, 1926, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 153 boxes of apples, remaining in the original unbroken packages at Winchester, Va., alleging that the article had been shipped by the Glen Rosa Orchards, Inc., from Medford, Oreg., and transported from the State of Oregon into the State of Virginia, and charging adul-

teration in violation of the food and drugs act. The article was labeled in part "Newton State Flower."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous ingredient, to wit, arsenic, which rendered it injurious to health.

On March 31, 1926, the C. L. Robinson Ice & Cold Storage Corp., Winchester, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it not be sold, except to a purchaser who would contract to peel the apples before using, nor otherwise disposed of until the excess of arsenic had been removed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14194. Adulteration and misbranding of frozen eggs. U. S. v. 17 Cases of Frozen Eggs. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 20806. I. S. No. 12089-x. S. No. C-4942.)

On or about February 2, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of frozen eggs, at Chicago, Ill., alleging that the article had been shipped by the Minnesota Central Creameries, Inc., from New Ulm, Minn., November 7, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Minnesota Central Creameries * * * New Ulm Minnesota."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about March 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that any part of the product found by this department to be fit for food be sold by the United States marshal, as he deems advisable, and the remainder denatured and sold for technical purposes.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14195. Adulteration of canned cherries. U. S. v. 70 Cases of Cherries. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19980. I. S. No. 16395-v. S. No. E-5272.)

On April 9, 1925, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 70 cases of cherries, at Greenville, S. C., alleging that the article had been shipped by the Edgett-Burnham Co., from Newark, N. Y., on or about November 3, 1924, and transported from the State of New York into the State of South Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Newark Brand Pitted Red Cherries In Juice Packed By Edgett-Burnham Company Newark, New York."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 21, 1926, the Edgett-Burnham Co., Newark, N. Y., having intervened, admitted the allegations of the libel, paid the costs of the proceedings, and consented to the destruction of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14196. Adulteration of butter. U. S. v. Sugar Creek Creamery Co. Tried to the court. Judgment of guilty. Fine, $50 and costs.** (F. & D. No. 18988. I. S. No. 2359-v.)

On June 24, 1924, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the

Sugar Creek Creamery Co., a corporation, Danville, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about February 21, 1924, from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as defined and prescribed by law.

On March 2, 1926, a jury having been waived, the case came on for trial before the court upon a statement of facts by each party. Judgment was entered by the court, finding the defendant guilty and assessing a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14197. Adulteration of apples. U. S. v. 714 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20935. S. No. E-5665.)

On or about March 18, 1926, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 714 boxes of apples, remaining in the original unbroken packages at Winchester, Va., alleging that the article had been shipped by the American Fruit Growers, Inc., from Wenatchee, Wash., and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Winesap Fancy Blue Goose."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous ingredient, to wit, arsenic, which rendered the said article injurious to health.

On March 31, 1926, the C. L. Robinson Ice & Cold Storage Corp., Winchester, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it not be sold, except to a purchaser who would contract to peel the apples before using, nor otherwise disposed of until the excess of arsenic had been removed.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14198. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20937. S. No. E-5667.)

On or about March 18, 1926, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 756 boxes of apples, remaining in the original unbroken packages at Winchester, Va., alleging that the article had been shipped by the Wenatchee District Cooperative Assoc., from Wenatchee, Wash., and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled: "Winesap Jim Hill."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous ingredient, to wit, arsenic, which rendered it injurious to health.

On March 31, 1926, the Winchester Cold Storage Co., Inc., Winchester, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it not be sold, except to a purchaser who would contract to peel the apples before using, nor otherwise disposed of until the excess of arsenic had been removed.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14199. Adulteration of canned cherries. U. S. v. 100 Cases and 100 Cases of Red Sour Pitted Cherries. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19934, 19935. I. S. No. 24589–v. S. No. C–5010.)

On March 27, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 200 cases of red sour pitted cherries, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Red Wing Co., Inc., from Fredonia, N. Y., August 22, 1924, and transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Red Sour Pitted Cherries * * * Manufactured And Guaranteed By The Red Wing Company Incorporated Fredonia, N. Y."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, in that it contained excessive larvae.

On February 3, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14200. Adulteration of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20915. I. S. No. 10608–x. S. No. W–1903.)

On or about February 18, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by E. W. Ellis, from Portland, Oreg., February 4, 1926, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Rubber stamp) "E. W. Ellis Terminal Ice & Cold Storage Bldg. 23 Portland, Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On March 4, 1926, the Mutual Creamery Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $450, conditioned in part that it be brought into conformity with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

# INDEX TO NOTICES OF JUDGMENT 14151 TO 14200

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# United States Department of Agriculture

# SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 14201–14250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 24, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14201. Adulteration and misbranding of canned huckleberries. U. S. v. 13 Cases, et al., of Huckleberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20802, 20803. I. S. Nos. 1067–x, 1075–x. S. No. W–1857.)

On January 28, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 cases and 5 cans of huckleberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the National Packing Corp., from Provo, Utah, December 13, 1924, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled: (Can) "Blue Bunny Brand Huckleberries * * * Packed And Guaranteed By National Packing Corporation Ogden, Utah, U. S. A." The remainder of the said article was labeled: (Can) "Mountain Home Brand Solid Pack Fruits Huckleberries."

Adulteration of the article was alleged in the libel for the reason that a substance, solanberries, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Huckleberries" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On March 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14202. Misbranding of Lithadonis. U. S. v. 4 Dozen Bottles of Lithadonis. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20409. I. S. No. 86–x. S. No. W–1774.)

On September 2, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 4 dozen bottles of Lithadonis, remaining in the original unbroken packages at San Francisco, Calif., consigned by the American Apothecaries Co., alleging that the article had been shipped in interstate commerce from New York, N. Y., into the State of California, in two shipments, November 1, 1924, and March 28, 1925, respectively, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of tablets containing compounds of lithium and iodine, salicylate, caffeine, and a material derived from plant drugs including a laxative drug.

Misbranding of the article was alleged in the libel for the reason that the statements, borne on the bottle label, "Indicated in * * * Arthritis * * * Neuritis, Gout, Sciatica, Lumbago, Riggs Disease, Especially valuable in the treatment of Gonorrheal Rheumatism and mixed infections from Scrofula, Syphilis, etc. * * * Two tablets every two hours until pain is relieved," were false and fraudulent, since the article contained no ingredient or substances capable of producing the effects claimed.

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14203. Misbranding of Bowman's abortion remedy. U. S. v. 240 Pounds of Bowman's Abortion Remedy. Default decree of condemnation, forfeiture and destruction.** (F. & D. No. 20720. I. S. No. 10405–x. S. No. W–1835.)

On December 15, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 240 pounds of Bowman's abortion remedy, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Erick Bowman Remedy Co., from Owatonna, Minn., November 13, 1925, and transported from the State of Minnesota into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of a mixture of brown sugar and wheat shorts with traces of calcium and sulphur compounds, and a phenolic substance.

Misbranding of the article was alleged in the libel for the reason that the statements borne on the labels, "Bowman's Abortion Remedy * * * This package contains one 9½ pound treatment of Bowman's Abortion Remedy. Read the directions carefully before administering," regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 13, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14204. Misbranding of Dr. Bull's cough sirup. U. S. v. 24 Dozen Packages, et al., of Dr. Bull's Cough Sirup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20895, 20898, 20899. S. Nos. E–5649, E–5651, E–5652.)

On February 25 and March 1, 1926, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 54½ dozen packages or bottles, 2½-ounce size, and 17½ dozen bottles, 5½-ounce size, of Dr. Bull's cough sirup, remaining in the original unbroken packages at Philadelphia, Pa., consigned by A. C. Meyer & Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., in various consignments, on or about January 12, 18, and 25, 1926, respectively, and transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of ammonium chloride, extracts of plant drugs including ipecac, alcohol, sugar, and water.

Misbranding of the article was alleged in the libels for the reason that the labels and circulars contained statements, designs, and devices, regarding the curative or therapeutic effects of the said article, which were false and fraudulent, in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the following statements, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof: (Bottle label) "If cough is severe * * * For Bronchitis, * * * Asthmatic cough * * * Croup * * * If attack is severe, give * * * until the disease subsides," (carton, English) "Hoarseness, Bronchitis, Grippe Cough, croup, Whooping Cough and Measles Cough * * * to relieve cough of asthmatic and consumptive patients in incipient or advanced stages of their disease," (carton, German) "For * * * throat and chest colds, hoarseness, inflammation of the bronchial tubes, quinsy, grippe coughs, whooping cough, measles cough, and also for the alleviation of coughs, of asthmatic and consumptive persons in the beginning or more advanced stage of their disease," (carton, French) "For * * * Cold in the head, hoarseness, bronchitis, quinsy croup, influenza, whooping cough and for alleviation in the early stages of phthisis, asthma, even after the disease has already caused great ravages," (carton, Spanish) "For * * * hoarseness, bronchitis, angina, croup, grippe cough, whooping cough and to alleviate the coughs of persons who suffer with asthma or phthisis in the beginning or advanced stages of their disease," (green circular) "Effectual in most cases, but for severe conditions the additional treatment mentioned, is advised * * * A cough or cold should be promptly treated. It is often the beginning of serious throat or lung affections and, if neglected, can develop into consumption. * * * take Dr. Bull's Cough Syrup * * * If the cough is troublesome, take it * * * until relieved * * * Croup; simple.—A mother can best treat this affection of early childhood, if she has a bottle of Dr. Bull's Cough Syrup. Give the dose * * * every hour until the breathing becomes easier; * * * In distressing cases give the dose every half hour. Besides, lay hot poultices or hot moist flannels * * * or rub with Salvation Oil * * * Larrabee's Liniment * * * until the affection subsides. Whooping-Cough and Measles' Cough * * * When relief is shown * * * until cough stops. Bronchitis.—The cough attending an attack of this stubborn affection will generally yield to treatment with Dr. Bull's Cough Syrup if persevered in. * * * For a very troublesome cough, take dose every half hour. For Hoarseness, Sore Throat, Loss of Voice, etc. * * * Grippe, Influenza, Cold in the Head.—For the distressing, deep-seated and threatening cough generally following these affections * * * neglect of such coughs may contribute to the development of pleurisy or pneumonia, take promptly regular doses of the Syrup * * * For Asthmatic Cough, take half doses of Dr. Bull's Cough Syrup every hour and after each paroxysm. This will generally relieve recent cases; and, advanced cases may also be much benefited. * * * Cough attending Consumption, incipient or advanced. * * * Whether it is the occasional paroxysm of coughing, or the persistent, deep-seated and aggravating cough which a sufferer seeks to quiet; or, whether it is the expectoration of mucus that he desires to facilitate, Dr. Bull's Cough Syrup is recommended to be taken for the purpose, confident that it will prove perceptibly helpful in that direction. * * * for treatment * * * of Cough, Whooping-Cough, Measles' Cough, Hoarseness, Bronchitis, Grippe-Cough, Sore Throat, Loss of Voice, Hacking Coughs; and also to relieve Cough of Asthmatic and Consumptive Patients in the various stages of the disease * * * a remedy which, for rapidity and certainty in relieving coughs, colds and kindred throat, bronchial and chest affections, has probably never been surpassed. * * * related throat, bronchial and chest affections. When it is remembered that life is saved more frequently by the timely prevention of the encroachments of disease than by combating disease when established, the propriety of using Dr. Bull's Cough Syrup promptly for colds and coughs is assuredly unquestionable and of supreme importance; especially in view of the insidious approach of consumption—that merciless enemy of human life. * * * For whooping-cough and simple croup it is invaluable. Mothers can always depend on it. * * * In many cases a few doses will give relief * * * efficacious in some more-

aggravated cases of throat, bronchial and chest affections * * * for patients in advanced stages of pulmonary disease," (testimonials) "an attach of the grippe * * * a severe cough * * * A few doses cured the cough perfectly * * * a very bad cough * * * the same good effect * * * it was good for croup * * * a medicine for croup * * * a bad cough * * * a severe cough * * * whooping-cough * * * a sore throat * * * for * * * croup, bronchitis and whooping-cough * * * one of those hard spasms * * * a very bad cold and cough * * * After two bottles she was entirely cured * * * for bronchitis * * * a bronchitis or asthmatic cough * * * In very severe coughs and colds * * * a serious hacking cough * * * A very bad cold and was forever sneezing and coughing," (booklet) "Hoarseness, Bronchitis, Grippe Cough, Croup, Whooping Cough and Measles' Cough; also to relieve cough of asthmatic and consumptive patients in incipient or advanced stages of their disease * * * the catarrhal cold moves to the chest; hoarseness and soreness increase; and the loose or dry racking cough develops. Use, in time, the most worthy of all cough remedies, Dr. Bull's Cough Syrup Quick relief; soothing of congested bronchial tubes and lungs; control of cough; and, finally, no cough will be the reward. It is the true cough-and-cold doctor."

On March 26, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14205. Adulteration of butter. U. S. v. 20 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20976. I. S. No. 10506–x. S. No. W–1920.)

On or about March 8, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pend D'Oreille Creamery Co., Plains, Mont., February 25, 1926, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it was deficient in milk fat content.

On March 10, 1926, the Pend D'Oreille Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding that the product was adulterated, in that a valuable constituent, butterfat, had been abstracted from the article. The decree further ordered that the product be condemned and forfeited, and that it be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, the provisions of said bond requiring that the product be reconditioned under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14206. Misbranding of candy. U. S. v. 302 Packages of Candy. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20754. I. S. Nos. 659–x to 667–x, incl. S. No. W–1842.)

On or about January 8, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 302 packages of candy, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Brown & Haley, Tacoma, Wash., alleging that the article had been shipped from Tacoma, Wash., in various consignments, on or about October 29, November 10 and 17, and December 8 and 11, 1925, respectively, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled, variously: (Package) "Criterion Chocolates One Pound Net," "Victorian Creams Maple Nut One Pound Net," "Mary Ann Chocolates One Pound Net," "Variety Chocolates One Pound Net," "Assorted Chocolates One Pound," "Chocolate Peppermint Creams 8 Ounces Net," "Betty Lou Chocolates One Pound Net," "Medley of Sweets 16 Ozs. Net," "Oriole Opera Creams 10 Ounces Net."

Misbranding of the article was alleged in the libel for the reason that the statements regarding the contents of the said packages, borne on the labels, namely, "One Pound Net," "8 Ounces Net," "16 Ozs. Net," and "10 Ounces Net," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On January 27, 1926, Brown & Haley, Tacoma, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, conditioned in part that it be relabeled in a manner satisfactory to this department, and not be sold or otherwise disposed of contrary to law.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14207. Adulteration of butter. U. S. v. 28 Cubes of Butter. Product found adulterated and ordered released.** (F. & D. No. 20992. I. S. No. 1132–x. S. No. W–1926.)

On or about March 12, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Idahome Creamery Co., Preston, Idaho, on or about March 3, 1926, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On March 26, 1926, Joseph Thorup, Los Angeles, Calif., having appeared as claimant for the property, and the court having found the product to be adulterated, a decree was entered, ordering that it be released to the claimant upon payment of the costs of the proceedings, and that the bond theretofore executed be exonerated.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14208. Misbranding of salad oil. U. S. v. 14 Cartons of Salad Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 20640. I. S. No. 7908–x. S. No. E–5582.)

On November 21, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cartons, each purporting to contain 1-gallon cans of salad oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Joseph Mariani, from New York, N. Y., on or about September 20, 1925, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contadina Brand Oil Superior Quality Pure Vegetable Salad Oil 0.98 Of One Gallon Or 7½ Lbs. Net."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, (Can) "0.98 Of One Gallon Or 7½ Lbs. Net," (carton) "1 Gal. Cans," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 16, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the statements of contents be obliterated, and the product sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14209. Adulteration of oleomargarine. U. S. v. 20 Cases of Oleomargarine. Product ordered released under bond.** (F. & D. No. 20672. I. S. Nos. 4821–x, 4822–x, 4823–x. S. No. E–5597.)

On November 30, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on January 15, 1926, an amended libel praying the seizure and condemnation of 20 cases of oleomargarine, at San Juan, P. R., alleging that the article had been shipped by Swift & Co., Jersey City, N. J., in various consignments, namely, on or about June 5, 19, and 25, 1925, respectively, and transported from the State of New Jersey into the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Oleomargarine 5 Lbs. Net. * * * Swift & Company."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid substance.

On February 1, 1926, Swift & Co. having appeared as claimant for the property, a decree was entered, adjudging that the allegations of the amended libel be taken as admitted, and it was further ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $400, conditioned in part that it be reshipped to Jersey City, N. J., and there examined, and the portion determined by this department to comply with the law released. It was further ordered that the claimant pay the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14210. Misbranding of butter. U. S. v. 19 Boxes of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral.** (F. & D. No. 21009. I. S. No. 5473–x. S. No. E–5701.)

On March 25, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying seizure and condemnation of 19 boxes of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Strafford Creamery Co., South Strafford, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made thereon was not correct.

On April 5, 1926, the Strafford Creamery Co., South Strafford, Vt., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of $500, in lieu of bond, as surety that the claimant would abide by the orders of the court, and it was further ordered that the product be reworked and relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14211. Adulteration of butter. U. S. v. 39 Cubes of Butter. Decree adjudging product adulterated and ordering its release.** (F. & D. No. 21002. I. S. No. 1138–x. S. No. W–1939.)

On or about March 18, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 39 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by L. J. Durant & Co., from Grace, Idaho, on or about March 6, 1926, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From L. J. Durant & Co., Grace."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been in part abstracted, so as to reduce, lower, or injuriously affect its quality and strength.

On April 2, 1926, the Nelson-Ricks Creamery Co., Los Angeles, Calif., having appeared as claimant for the property, a decree of the court was entered, adjudging the product adulterated and ordering that it be delivered to the said claimant upon payment of the costs of the proceedings, and that the bond theretofore executed be exonerated and released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14212. Adulteration of butter. U. S. v. 23 Cubes of Butter. Decree adjudging product adulterated and ordering its release.** (F. & D. No. 21001. I. S. No. 1136–x. S. No. W–1936.)

On or about March 16, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Idaho Creamery Co., from Rupert, Idaho, on or about March 4, 1926, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Idaho Creamery Co., Rupert, Idaho."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been in part abstracted, so as to reduce, lower, or injuriously affect its quality and strength.

On April 2, 1926, the Nelson-Ricks Co., Los Angeles, Calif., having appeared as claimant for the property, a decree of the court was entered, adjudging the product adulterated and ordering that it be delivered to the said claimant upon payment of the costs of the proceedings, and that the bond theretofore executed be exonerated and released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14213. Adulteration of apples. U. S. v. 76 Boxes of Apples. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20948, 20949, 20950. I. S. Nos. 7190–x, 7947–x, 8177–x. S. No. E–5681.)

On March 19, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 76 boxes of apples, remaining unsold in the original unbroken boxes at New York, N. Y., alleging that the article had been shipped by C. L. Robinson, from Winchester, Va., on or about March 8, 1926, and transported from the State of Virginia into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous ingredient, namely, arsenic, which might have rendered it injurious to health.

On April 13, 1926, the Kimball Fruit Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, conditioned in part that each apple be washed or wiped, and that it not be sold or disposed of until inspected by a representative of this department and satisfactory elimination of the arsenic shown.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14214. Adulteration of apples. U. S. v. 84 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20939. I. S. No. 6237–x. S. No. E–5675.)

On March 17, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 84 boxes of apples, remaining in the original unbroken packages at Philadelphia, Pa., consigned by C. L. Robinson, Winchester, Va., alleging that the article had been shipped from Winchester, Va., on or about February 26, 1926, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Double 'R.' Brand."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous ingredient, which might have rendered it injurious to health.

On April 14, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14215. Misbranding of flour. U. S. v. 40 Sacks of Flour. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16699. I. S. No. 7810-v. S. No. W-1178.)

On August 2, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 sacks of flour, remaining in the original unbroken packages at Eureka, Calif., alleging that the article had been shipped by the Columbia Milling Co., from Portland, Oreg., July 21, 1922, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Columbia Milling Co. White Queen Bluestem Fancy Patent Flour * * * 49 Lbs."

Misbranding of the article was alleged in the libel for the reason that the statement "49 Lbs.," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 15, 1926, eight sacks of the product having been seized and no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14216. Misbranding of San-Tox kidney and bladder pills. U. S. v. 6 Dozen Bottles and 12 Dozen Bottles of San-Tox Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20756. I. S. Nos. 793-x, 794-x. S. No. W-1848.)

On January 16, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 dozen small-size bottles and 12 dozen large-size bottles of San-Tox kidney and bladder pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the DePree Co., from Chicago, Ill., on or about December 16, 1925, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of samples of the article showed that the pills contained potassium nitrate and material derived from plants including juniper oil, Venice turpentine, and extracts of cascara sagrada, uva ursi, and pichi.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels: (Bottle) "Kidney and Bladder Pills," (carton) "Kidney And Bladder Pills Recommended for derangements of the kidneys and bladder," together with statements of similar import contained in an accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14217. Adulteration of canned cherries. U. S. v. 19 Cases of Canned Cherries. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20694. I. S. No. 7213-x. S. No. E-5603.)

On or about December 5, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 19 cases of canned cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N. Y., on or about July 22, 1925, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pitted Red Cherries Natural Juice * * * Packed By Webster Canning & Preserving Co. Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 20, 1926, the Webster Canning Co., Webster, N. Y., having intervened, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, conditioned in part that it not be sold or disposed of until reconditioned, and inspected and approved by this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14218. Misbranding of coffee. U. S. v. 25 Tins, et al., of Coffee. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20517, 20608, 20609, 20624. I. S. Nos. 3876-x to 3880-x, incl., 9531-x. S. Nos. C-4842, C-4864, C-4865, C-4870.)

On or about October 21 and November 13, 14, and 18, 1925, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 186 tins of coffee, remaining in the original unbroken packages in various lots, at Tyler, Gilmer, Henderson and Longview, Tex., respectively, alleging that the article had been shipped by the Cuban Coffee Mills, from Shreveport, La., in various consignments, on or about August 25, September 8 and 12, October 10 and 27, and November 2, 1925, respectively, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cuban S. P. B. Blend."

Examination of the article by the Bureau of Chemistry of this department showed that it contained chicory.

Misbranding of the article was alleged in the libels for the reason that it was offered for sale under the distinctive name of another article.

On January 26 and February 15, 1926, respectively, the Cuban Coffee Mills, Shreveport, La., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgment of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,000, and that it be properly relabeled.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14219. Misbranding of DuBois pecific pills. U. S. v. 16 Packages of DuBois Pacific (Pecific) Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14686. I. S. No. 10519-t. S. No. W-899.)

On March 30, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 packages of DuBois pacific (pecific) pills, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by W. J. Baumgartner, from Detroit, Mich., January 7, 1921, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled on the circular enclosed in the box containing the said article as follows: "DuBois Pills * * * Reliable Female Tonic and Regulator * * * a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may

be prevented by the use of DuBois Pills * * * a female tonic exerting helpful medicinal action over the female organs * * * of utmost value in assisting in the relieving of pain, due to leucorrhoea, etc., and regulating the menses * * * suppressed menstruation, painful menstruation * * * For leucorrhea * * * In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure * * * When the period is irregular," which statements were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding was alleged for the further reason that the statement in the circular, "DuBois Pills which are purely vegetable," was false and misleading.

On March 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14220. Adulteration of tomato puree and tomato catsup. U. S. v. 94 Cases of Tomato Puree and 96 Cases, et al., of Tomato Catsup. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. Nos. 20537, 20538. I. S. Nos. 1927-x, 1929-x, 1930-x. S. No. C-4844.)

On October 29, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 94 cases of canned tomato puree, and 96 cases, each containing 24 bottles, and 150 cases, each containing 6 jugs, of tomato catsup, at Cincinnati, Ohio, alleging that the articles had been shipped in interstate commerce from Carthage, Ind., into the State of Ohio, and charging adulteration in violation of the food and drugs act. The puree was labeled: (Case) "Eatona Tomato Puree." The catsup was labeled in part: (Bottle) "Kardinal Brand Tomato Catsup * * * Manufactured By DeSchipper Canning Co., Carthage, Ind.," (jug) "Kardinal Brand Tomato Catsup * * * Packed By DeSchipper Canning Co. Carthage, Ind."

Adulteration of the articles was alleged in the libel for the reason that they consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 4, 1926, the DeSchipper Canning Co., Carthage, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant for salvaging or relabeling under the supervision of this department, upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14221. Adulteration of shell eggs. U. S. v. Horace Hill (Pittsburg Produce Co.). Plea of guilty. Fine, $25.** (F. & D. No. 19710. I. S. No. 3614-x.)

On November 28, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Horace Hill, trading as the Pittsburg Produce Co., Pittsburg, Tex., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 10, 1925, from the State of Texas into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Pittsburg Produce Co. Pittsburg, Texas."

Examination by the Bureau of Chemistry of this department of the case of 360 eggs, which comprised the shipment, showed that 116, or 32.2 per cent, were inedible eggs, consisting of mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On February 25, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14222. Misbranding of Nau's dyspepsia remedy. U. S. v. 35 Packages of Nau's Dyspepsia Remedy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20531. I. S. No. 788–x. S. No. W–1801.)

On October 22, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 packages of Nau's dyspepsia remedy, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Frank Nau, from Portland, Oreg., October 13, 1925, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was shipped in cartons each containing a bottle of liquid and a box of tablets.

Analysis by the Bureau of Chemistry of this department of samples of the tablets showed that they were composed essentially of bismuth subnitrate, cane sugar, and milk sugar, flavored with ginger and peppermint oil; analysis by the said bureau of a sample of the liquid preparation showed that it was composed essentially of extracts of plant drugs including golden seal and licorice, glycerin, alcohol and water.

Misbranding of the article was alleged in the libel for the reason that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, liquid)" Dyspepsia Remedy For Chronic Stomach Troubles. For Diseases Of The Stomach Only. Dyspepsia, Indigestion * * * Dilatation [Dilation], Ulceration and Catarrh of the Stomach. * * * take it * * * until entirely cured," (box label) "Dyspepsia Remedy Tablets To Be Taken * * * With The Liquid Medicine To Assist In Relieving Stomach Troubles, Dyspepsia, Indigestion. * * * Dilatation [Dilation], Ulceration and Catarrh Of The Stomach," (carton) "Dyspepsia Remedy * * * For Chronic Stomach Troubles * * * For Diseases Of The Stomach Only. Dyspepsia * * * Dilatation, [Dilation] Ulceration, and Catarrh of the Stomach * * * For Severe And Long Standing Stomach Troubles * * * For Stomach Troubles Indicated By * * * Returning Of Food Into Mouth, Gnawing At Pit of Stomach, * * * Bloated Feeling, Coated Tongue, Headache, Pain In Stomach, Dizziness, Etc. * * * For Chronic Cases."

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14223. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20913. I. S. No. 10606–x. S. No. W–1901.)

On or about February 18, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Portland, Oreg., February 5, 1926, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, namely, butterfat, had been in part abstracted.

On March 2, 1926, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $468, conditioned in part that it be made to conform with the provisions of the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14224. Adulteration of canned cherries. U. S. v. 43 Cases, et al., of Canned Pitted Black Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20562. I. S. Nos. 754-x, 1076-x. S. No. W-1806.)

On November 5, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 61 cases of canned black cherries, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by Hunt Bros., from Salem., Oreg., September 15, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Richelieu Brand" (or "Ferndell Brand") "Bing Variety Pitted Black Cherries."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive sirup, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14225. Adulteration of butter. U. S. v. 13 Cubes of Butter, et al. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20916. I. S. No. 10653-x. S. No. W-1904.)

On February 17, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Caldwell, Idaho, January 29, 1926, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On March 2, 1926, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $460, conditioned in part that it be made to conform with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14226. Misbranding of Volta powder. U. S. v. 7 5/12 Dozen Boxes, et al., of Volta Powder. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20417, 20465. I. S. Nos. 91-x, 778-x. S. Nos. W-1776, W-1789.)

On September 4 and 26, 1925, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 10 1/2 dozen boxes of Volta powder, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Volta Co. of America, Inc., from Philadelphia, Pa., in two consignments, on or about April 8 and 28, 1924, respectively, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box) "Adapted To The Treatment Of Rheumatism of the Joints and Muscles, Sciatica, Lumbago, Gout, and Neuritis * * * medication by absorption saves the stomach * * * To eliminate excess Uric Acid poison from the body either through the pores of the skin or through the kidneys, and thereby to stimulate the system * * * Use * * * until you find some relief * * * Better results should be obtained by applying after first bathing the feet in hot water, so as to open the pores of the skin, as most sufferers from rheumatism have dry skin and seldom

perspire." The boxes containing a portion of the product were further labeled: "Eczema Frequently, Eczema has been relieved by using Volta Powder as directed hereon for Rheumatism. Be Fair To Yourself. Relief is noticed, in most cases, within a few days, but patience is necessary. If the disease is chronic or of long standing, Volta Powder should be continued until all indications of the cause have been removed."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of a mixture of sulphur and iron oxide, flavored with volatile oils including methyl salicylate.

Misbranding of the article was alleged in substance in the libels for the reason that the above quoted statements regarding its curative and therapeutic effects were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 2, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14227. Adulteration of butter. U. S. v. 8 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20914. I. S. No. 10652–x. S. No. W–1902.)

On February 17, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 26 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Weiser, Idaho, January 29, 1926, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On March 2, 1926, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $796, conditioned in part that it be made to conform with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14228. Adulteration of canned cherries. U. S. v. 23 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20681. I. S. No. 7211–x. S. No. E–5599.)

On December 1, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 23 cases of cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by J. A. Salter Co., from Manchester, N. Y., on or about August 6, 1925, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Manchester Brand Red Sour Pitted Cherries * * * Packed By The J. A. Salter Co., Manchester, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed and putrid vegetable substance.

On January 14, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14229. Adulteration and misbranding of canned cherries. U. S. v. 200 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20579. I. S. Nos. 758–x, 1051–x. S. No. W–1810.)

On November 5, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of canned cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Hunt Bros., from Salem, Oreg., September 23, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Heart's Delight Brand Royal Anne Cherries * * * Packed By Richmond-Chase Co. Main Office San Jose, Cal. U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the label stated that the product was manufactured by Richmond-Chase Co., San Jose, Calif., when in fact it was not so, which was false and misleading and deceived and misled the purchaser.

On February 2, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14230. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent order of confiscation entered. Product released under bond.** (F. & D. No. 20906. I. S. No. 1971–x. S. No. C–4972.)

On February 8, 1926, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 boxes of butter, at Cleveland, Ohio, alleging that the article had been shipped by the A. G. Creamery Co., Arcadia, Wis., on or about January 29, 1926, and transported from the State of Wisconsin into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the act, paragraphs 2 and 3, in that it contained less than 80 per cent by weight of milk fat.

On March 15, 1926, the A. G. Creamery Co., Arcadia, Wis., claimant, having admitted the allegations of the libel and having consented to the confiscation of the product, a decree was entered, ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $700, conditioned in part that it be reworked under the supervision of this department so as to contain 80 per cent by weight of milk fat.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14231. Adulteration and misbranding of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21010. I. S. No. 5474–x. S. No. E–5702.)

On March 27, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 cases of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Silver Lake Creamery, of Barnard, Vt., from Woodstock, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

It was further alleged in the libel that the said article was misbranded, in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On April 27, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14232. Misbranding of Syrup of Ambrozoin. U. S. v. 24 Bottles of Syrup of Ambrozoin. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20528. S. No. E–5516.)

On October 22, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 bottles of Syrup of Ambrozoin, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the American Apothecaries Co., from Astoria, Long Island, N. Y., October 2, 1925, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of ammonium chloride, sodium bromide, glycerin, sugar, alcohol, and water, with traces of terpin hydrate, an alkaloid, a phenolic compound, and menthol.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effects, borne on the bottle and carton labels, (bottle) Bronchitis, Laryngitis, Asthma, Whooping Cough, Pulmonary Phthisis And Other Respiratory Affections In Which A Mild Sedative Or Expectorant Is Required * * * Allays Cough, Promotes Expectoration. Exerts A Soothing Influence On The Inflamed Mucous Membrane Of The Bronchial And Pulmonary Passages And Relieves Congestion Of The Respiratory Organs * * * Dose * * * Repeated * * * Until Cough Is Allayed And Respiratory Discomfort Is Overcome, (carton) "Bronchitis Laryngitis Asthma Whooping Cough Pulmonary Phthisis * * * And Other Respiratory Affections In Which A Mild Sedative Or Expectorant Is Required * * * Allays Cough Promotes Expectoration * * * Exerts A Soothing Influence On The Inflamed Mucous Membrane Of The Respiratory Passages," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 27, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14233. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20923. I. S. No. 2052–x. S. No. E–5212.)

On March 11, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Bangor, Pa., consigned by the Tuscumbia Cotton Oil Co., Tuscumbia, Ala., alleging that the article had been shipped from Tuscumbia, Ala., on or about February 12, 1926, and transported from the State of Alabama into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Triangle Brand Cotton Seed Meal Guaranteed Analysis Protein 43.00%."

Misbranding of the article was alleged in substance in the libel for the reason that the statement borne on the label "Protein 43.00%" was false and misleading and deceived and misled the purchaser, since the product did not contain 43 per cent of protein.

On April 20, 1926, the Flory Milling Co., Bangor, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14234. Misbranding of cottonseed meal. U. S. v. 600 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20728. I. S. No. 3782–x. S. No. C–4920.)

On December 19, 1925, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 600 sacks of cottonseed meal, remaining unsold at Marion, Iowa, alleging that the article had been shipped by the Forney Cotton Oil & Ginning Co., from Forney, Tex., on or about December 8, 1925, and transported from the State of Texas into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 Pct. Protein Cotton Seed Meal Prime Quality * * * Manufactured By Forney Cotton Oil Ginning Co. Forney, Texas. Protein Not Less Than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43 Pct. Protein" and "Protein Not Less Than 43.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser, in that the said article contained less than 43 per cent of protein.

On April 8, 1926, the Forney Cotton Oil & Ginning Co., Forney, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14235. Adulteration and misbranding of cottonseed meal and cake. U. S. v. Richard K. Wootten, Effie D. Wootten, James William Simmons, George Albert Simmons, and Robert Roy Gilliland (Quanah Cotton Oil Co.). Pleas of guilty. Fine, $35.** (F. & D. No. 19672. I. S. Nos. 20861–v, 20862–v, 20863–v, 20891–v.)

On December 24, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard K. Wootten, Effie D. Wootten, James William Simmons, George Albert Simmons, and Robert Roy Gilliland, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, on or about January 17 and March 24, 1925, respectively, from the State of Texas into the State of Colorado, of quantities of cottonseed meal and cake which were adulterated and misbranded. The articles were labeled in part: (Tag) "100 lbs." (or "Pounds") "(Net) 43% Protein Cotton Seed Meal" (or "Cake") "Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of samples of the article showed that they contained 38.59 per cent, 40.32 per cent, 38.84 per cent, and 38.6 per cent, respectively, of protein.

Adulteration of the articles was alleged in the information for the reason that a product which contained less than 43 per cent of protein had been substituted for 43 per cent protein cotton seed meal, or 43 per cent protein cotton seed cake, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "43% Protein Cotton Seed Meal," and "43% Protein Cotton Seed Cake" and "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the articles, were false and misleading, in that the said statements represented that the articles contained not less than 43 per cent of protein and not less than 43 per cent of crude protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the said amount of protein and crude protein, whereas they did not but did contain less than 43 per cent of protein and less than 43 per cent of crude protein.

On January 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $35.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14236. Misbranding of olive oil. U. S. v. 15 One-Gallon Tins of Olive Oil. Product released under bond to be relabeled.** (F. & D. No. 19129. I. S. No. 16558–v. S. No. E–5005.)

On November 8, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 one-gallon tins of olive oil, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Palby

Products Co., from New York, N. Y., on or about October 13, 1924, and transported from the State of New York into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents One Gallon Nettuno Brand * * * Olio Puro D'Oliva."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Contents One Gallon," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1926, the product having theretofore been delivered to the claimant, Alfonso Carano, upon his giving bond to secure compliance with the law, and the conditions of said bond, namely, that the product be relabeled to state the net contents of the cans, having been complied with, it was ordered by the court that the libel be dismissed and the bond exonerated.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14237. Adulteration of tomato paste. U. S. v. 27 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20902. S. No. E–5653.)

On March 2, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 27 cases of tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Oreste Mariani, from Naples, Italy, on or about December 6, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Mariani Extra Fine Tomato Paste Italian Produce Salsina Di Puro Pomodoro Net Weight Ounces 6½ * * * Casa Esportatrice Mariani Bros."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 27, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14238. Adulteration of shell eggs. U. S. v. Hugh L. Hodges. Plea of guilty. Fine, $25.** (F. & D. No. 19742. I. S. No. 3644–x.)

On January 29, 1926, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hugh L. Hodges, trading as H. L. Hodges, Finger, Tenn., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 27, 1925, from the State of Tennessee into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Finger, Tenn. * * * Shipper and Local Address H. L. Hodges."

Examination by the Bureau of Chemistry of this department of 540 eggs, from 3 half cases from the shipment, showed that 131, or 24.3 per cent, were inedible eggs, consisting of mixed rots and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 26, 1926, the defendant entered a plea of guilty to the information, and the court imposed a penalty of $25, in lieu of fine and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14239. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20993. I. S. No. 10510–x. S. No. W–1934.)

On March 13, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 cubes of butter, remaining in the original unbroken pack-

ages at Seattle, Wash., alleging that the article had been shipped by the Farmers' Creamery Co., Livingston, Mont., March 2, 1926, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

On March 24, 1926, Frye & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department to conform with the law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14240. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20975. I. S. No. 10504-x. S. No. W-1919.)

On March 8, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Grassrange Creamery Co., Grassrange, Mont., about February 19, 1926, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of section 7, paragraph 2, of the said act, in that it was deficient in milk fat content.

On March 19, 1926, the Grassrange Creamery Co., Grassrange, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, the terms of said bond requiring that the product be conditioned under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**14241. Adulteration and misbranding of butter. U. S. v. H. C. Christians Co. Plea of guilty. Fine, $100 and costs.** (F. & D. No. 19723. I. S. Nos. 24254-v, 24257-v, 24258-v.)

On February 27, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. C. Christians Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, on or about June 15 and 20, 1925, respectively, from the State of Illinois into the State of Maryland, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Edel's Trade Mark 'Bee Hive' Butter * * * One Pound Net Weight." The remainder of the said article was labeled in part: "Ayrshire Brand * * * Creamery Butter * * * Sold By H. C. Christians Co. Johnson Creek, Wis. * * * Contents 1 Pound Net."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Butter" "One Pound Net Weight" or "Contents 1 Pound Net," as the case might be, borne on the packages containing the article, were false and misleading, in that they represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that the packages each contained 1 pound net thereof, and for the further

reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that the packages each contained 1 pound net thereof, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount, and the said packages contained less than 1 pound net of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14242. Adulteration and misbranding of feed. U. S. v. Hales & Hunter Co. Plea of guilty. Fine, $100 and costs.** (F. & D. No. 19670. I. S. Nos. 9119–v, 9120–v.)

On September 26, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hales & Hunter Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about August 13 and October 30, 1924, respectively, from the State of Illinois into the State of Indiana, of quantities of feed which was adulterated and misbranded. The article was labeled in part: (Tag) "Hales & Edwards Company, of Chicago, Ill., Guarantees this Greeno Feed * * * to be compounded from the following ingredients: Alfalfa And Molasses."

Adulteration of the article was alleged in the information for the reason that substances, to wit, ground screenings and other foreign materials, with respect to one of the shipments, and oat hulls and ground screenings, with respect to the other shipment, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for a feed compounded solely from alfalfa and molasses, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Compounded from the following ingredients: Alfalfa And Molasses," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article was compounded solely from alfalfa and molasses, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was compounded solely from alfalfa and molasses, whereas it was compounded in part from other ingredients, in that one of the shipments contained ground screenings and other foreign materials, and the other shipment contained oat hulls and ground screenings, which other ingredients were not declared on the tag.

On April 22, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14243. Misbranding of Bowman's abortion remedy. U. S. v. 9 Boxes of Bowman's Abortion Remedy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20410. I. S. No. 2403–x. S. No. C–4816.)

On September 4, 1925, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 boxes, 9½ pounds each, of Bowman's abortion remedy, at Hastings, Nebr., alleging that the article had been shipped by the Erick Bowman Remedy Co., Owatonna, Minn., in two consignments, on or about August 15 and 17, 1925, respectively, and transported from the State of Minnesota into the State of Nebraska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Inside of flap of carton) "Bowman's Abortion Remedy" and "This Package contains one 9½-pound treatment of Bowman's Abortion Remedy. Read The directions carefully before administering."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of a mixture of brown sugar and

wheat shorts, with traces of calcium and sulphur compounds and a phenolic substance.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, regarding the curative and therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On March 8, 1926, no claimant having appeared for the property, a decree of the court was entered, adjudging that the product be condemned as being in violation of the act, and further decreeing that it be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14244. Adulteration and misbranding of vinegar. U. S. v. John D. Bates. Plea of guilty. Fine, $20.** (F. & D. No. 19650. I. S. No. 19487–v.)

On August 6, 1925, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John D. Bates, a member of the Ozark Fruit Co., a copartnership, Fort Smith, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 11, 1924, from the State of Arkansas into the State of Oklahoma, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "'Pride of the Ozarks' Distilled—Apple And Sugar Vinegar Compound" (picture of apple) "Ozark Fruit Co., The Bates Organization Little Rock, Ark."

Adulteration of the article was alleged in the information for the reason that a compound consisting of distilled vinegar and sugar vinegar and containing a mere trace of apple vinegar, if any, had been substituted for apple vinegar, which the article purported to be, for the further reason that distilled vinegar and sugar vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and for the further reason that it had been colored with sugar vinegar so as to simulate apple vinegar, in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement, to wit, "Apple Vinegar," in large prominent type, together with the pictorial design of an apple, borne on the label of the bottle containing the article, was false and misleading, in that they represented that the said article was apple vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was apple vinegar, whereas it was not apple vinegar but was a compound consisting of distilled vinegar and containing but a trace of apple vinegar, if any, and the said article was not labeled so as to indicate plainly that it was a compound, in that the words "Compound," "And Sugar" appeared in small inconspicuous type. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple vinegar.

On March 5, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14245. Misbranding of cottonseed cake. U. S. v. George A. Simmons, Robert R. Gilliland, James W. Simmons, Jr., and Richard K. Wootten (Quanah Cotton Oil Co.). Pleas of guilty. Fine, $35.** (F. & D. No. 19590. I. S. No. 12321–v.)

On March 17, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George A. Simmons, Robert R. Gilliland, James W. Simmons, jr., and Richard K. Wootten, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about March 1, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Cake * * * Manufactured by Quanah Cotton Oil Company, Quanah, Tex."

Examination by the Bureau of Chemistry of this department of 41 sacks of the article from the shipment showed an average net weight of 97.31 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds (Net)," borne on the tags attached to the

sacks containing the said article, was false and misleading, in that the said statement represented that the said sacks each contained 100 pounds of cottonseed cake, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks each contained 100 pounds of cottonseed cake, whereas the sacks did not contain 100 pounds of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 25, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $35.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14246. Adulteration of tomato pulp. U. S. v. 600 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20692. I. S. No. 3139–x. S. No. C–4896.)

On December 4, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 cases of tomato pulp, at Fairmont, Minn., alleging that the article had been shipped by the Cates Canning Co., from Cates, Ind., November 3, 1925, and transported from the State of Indiana into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14247. Adulteration of canned shrimp. U. S. v. 36 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20282. I. S. No. 3011–x. S. No. C–4787.)

On July 22, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of canned shrimp, at Minnesota Transfer, Minn., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., May 28, 1925, and transported from the State of Mississippi into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marine Fancy Shrimp Marine Products, Inc. New Orleans, La. Distributors Dry Pack."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14248. Misbranding of Kopp's. U. S. v. 12⅔ Dozen Bottles, et al., of Kopp's. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20473. I. S. Nos. 3078–x, 3079–x. S. No. C–4829.)

On October 7, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on November 17, 1925, an amended libel praying seizure and condemnation of 12⅔ dozen bottles, 1½-ounce size, and 7½ dozen bottles, 4-ounce size, of Kopp's, at St. Paul, Minn., alleging that the article had been shipped by Kopp's Baby's Friend Co., from York, Pa., in part November 10, 1924, and in part July 20, 1925, and transported from the State of Pennsylvania into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was composed essentially of morphine sulphate, alcohol, sugar, and water, flavored with traces of essential oils and colored yellow.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness, the child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting, in many cases, high fever and sometimes convulsions. A Teething Baby is a Nervous Baby and is more likely to contract Colds, Diarrhoea, Cholera Infantum, Whooping Cough, and other baby ailments, and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething, becomes a very grave affair. It is therefore very important that teething be made as painless as possible," (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly," (bottle label) "for child one week old * * * dose to be repeated in two or three hours if necessary to relieve pain," (circular) "Kopp's is manufactured by The Kopp's Baby's Friend Co., Successors to Mrs. J. A. Kopp," (bottle) "Kopp's Alcohol About 8½ Per Cent Sulphate of Morphine ⅛ Grain Per Ounce, Besides Other Medicinal Ingredients Made By The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (carton, which is that portion of the labeling first seen by purchaser) "Kopp's Alcohol About 8½ Per Cent. Sulphate Of Morphine ⅛ Grain Per Ounce Besides Other Medicinal Ingredients The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp."

On February 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14249. Adulteration of canned cherries. U. S. v. 15 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20592. I. S. Nos. 753–x, 1077–x. S. No. W–1813.)

On November 9, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of canned cherries, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by Hunt Bros., from Salem, Oreg., August 25, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Genesee Brand Bing Variety Pitted Black Cherries."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about April 28, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

**14250. Adulteration of canned sardines. U. S. v. 56 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20338, 20340, 20392, 20393, 20395. I. S. Nos. 3043–x, 3072–x. S. Nos. C–4805, C–4813.)

On August 12 and September 1, 1925, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 382 cases of canned sardines in part at St. Paul, Minn., and in part at Minneapolis, Minn., alleging that the article had been shipped by the Maine Cooperative Sardine Co., from Lubec, Me., in two consignments, July 8 and 29, 1925, respectively, and transported from the State of Maine into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part:

"Stag Brand American Sardines In Cottonseed Oil. Packed By Ramsdell Packing Co. Lubec, Wash. Co., Me."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 10, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

# INDEX TO NOTICES OF JUDGMENT 14201 TO 14250





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# United States Department of Agriculture

# SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 14251–14300

[Approved by the Secretary of Agriculture, Washington, D. C., July 28, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**14251. Adulteration and misbranding of cramp bark. U. S. v. 7 Bags of Cramp Bark. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20856. I. S. No. 4961–x. S. No. E–5639.)

On February 24, 1926, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 bags of cramp bark, remaining in the original unbroken packages at Madison, Ind., consigned by A. F. Phillips, Madison, Ind., alleging that the article had been shipped from Baltimore, Md., February 9, 1926, and transported from the State of Maryland into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced "True Cramp Bark."

Adulteration of the article was alleged in the libel for the reason that it was sold under a name synonymous with the name "Viburnum opulus," recognized in the National Formulary," but differed from the standard of strength, quality, and purity laid down for said article in the said National Formulary, in that it contained more than 5 per cent of wood and other foreign matter, and in that it fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, to wit, pure cramp bark.

On April 19, 1926, Sulzer Bros., Madison, Ind., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

W. M. Jardine, *Secretary of Agriculture.*

**14252. Adulteration and misbranding of assorted jellies. U. S. v. 190 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 20974. I. S. Nos. 1240–x, 1241–x, 1242–x, 1243–x. S. No. C–4995.)

On March 26, 1926, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 190 cases of assorted jellies, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been

shipped by McNeil & Co., from Carpentersville, Ill., in various consignments on July 22, September 16, October 31, and November 25, 1925, respectively, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "Sunny South Brand Apple Pectin Currant" (or "Strawberry" or "Raspberry" or "Grape") "Jelly Net weight 6 Ounces." The raspberry and grape jellies were further labeled: "E. R. Pahl & Company Milwaukee, U. S. A."

Adulteration of the articles was alleged in the libel for the reason that they were colored in a manner whereby damage and inferiority were concealed and for the further reason that pectin had been mixed and packed with the said articles so as to reduce, lower, or injuriously affect their quality and strength. It was further alleged that the articles were adulterated, in that pectin jellies colored with fruit juices had been substituted wholly or in part for the currant and grape jellies, and in that pectin jellies colored with fruit juices and acidified tartaric acid had been substituted wholly or in part for the strawberry and raspberry jellies.

Misbranding was alleged for the reason that the statements, "Apple Pectin Currant" (or "Raspberry" or "Strawberry" or "Grape") "Jelly," and in the case of the raspberry and grape jellies, "E. R. Pahl & Company," borne on the labels, were false and misleading and deceived and misled the purchaser when applied to pectin jellies colored with fruit juices, and in the case of the raspberry and grape jellies, manufactured by a firm other than E. R. Pahl & Co., and in the case of the strawberry and raspberry jellies, containing added tartaric acid. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding of the raspberry jelly was alleged for the further reason that the statement "Net weight 6 Ounces" was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1926, McNeil & Co., Carpentersville, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the clerk's and marshal's costs and the execution of a bond in the sum of $500, conditioned that they not be sold or otherwise disposed of contrary to law.

W. M. Jardine, *Secretary of Agriculture.*

**14253. Adulteration and misbranding of assorted jellies. U. S. v. 24 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 20983. I. S. No. 1239-x. S. No. C-5062.)

On March 26, 1926, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of assorted jellies, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by McNeil & Co., from Carpentersville, Ill., in part October 31, 1925, and in part November 25, 1925, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "Sunny South Brand Apple Pectin Crabapple" (or "Strawberry" or "Grape" or "Raspberry" or "Currant") "Jelly Net Wgt. 6 Ounces E. R. Pahl & Company Milwaukee, U. S. A."

Adulteration of the strawberry, grape, raspberry, and currant jellies was alleged in the libel for the reason that pectin jellies colored with fruit juices and acidified with tartaric acid had been substituted wholly or in part for the article, and in that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and for the further reason that they were colored in a manner whereby damage and inferiority were concealed. Adulteration was alleged with respect to the crabapple jelly for the reason that pectin jelly with added tartaric acid had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statements "Apple Pectin Strawberry" (or "Grape" or "Raspberry" or "Currant" or "Crabapple")

"Jelly," borne on the labels, were false and misleading and deceived and misled the purchaser when applied to jellies of the composition of the said products. Misbranding was alleged for the further reason that the statement "Net Wgt. 6 Ounces," was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On April 29, 1926, McNeil & Co., Carpentersville, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the clerk's and marshal's costs and the execution of a bond in the sum of $500, conditioned that they not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

**14254. Misbranding of Poultry Pep. U. S. v. 50 Cartons of Poultry Pep. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20955. I. S. No. 12133–x. S. No. C–4999.)

On March 19, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cartons of Poultry Pep, at Chicago, Ill., alleging that the article had been shipped by John Blaul Sons, Cedar Rapids, Iowa, February 10, 1926, and transported from the State of Iowa into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle) "An aid in preventing White Diarrhea, Cholera * * * To keep your poultry healthy."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of salt, potassium permanganate, and potassium bichromate.

It was alleged in substance in the libel that the article was misbranded, in that the following statements regarding the curative or therapeutic effect of the article borne on the label: (Carton) "For White Diarrhea * * * Cholera * * * Using Poultry Pep regularly is the best guarantee you can have against Indigestion, Gapes, white diarrhea and cholera. It makes poultry healthy and gives them strength to stand up against poultry ailments. * * * Keeps them Healthy * * * Does The Work Every Time No Question About It. * * * Means healthier poultry," were false and fraudulent, in that the said article contained no ingredients or medicinal agents effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the bottles containing the article, and upon the cartons and in the circulars contained therein.

On April 7, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14255. Misbranding of T. S. B. Liverclean. U. S. v. 28 5/12 Dozen Bottles of T. S. B. Liverclean. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20925. I. S. No. 1292–x. S. No. C–4997.)

On March 13, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of $28\frac{5}{12}$ dozen bottles of T. S. B. Liverclean, at Chicago, Ill., alleging that the article had been shipped by C. M. & R. Tompkins, from Elmira, N. Y., February 2, 1926, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of sodium sulphate, magnesium sulphate, sugar, and a trace of plant extract dissolved in water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative or therapeutic effects borne on the label: (Bottle) "Liverclean For All Disorders Of The Stomach, Liver And Bowels. It Promptly And Positively Relieves The Cause Of Nearly Every Form Of Sickness. Nature Will Do The Rest * * * For severe cases * * * Liverclean * * * for all complaints arising from the Liver, Stomach

and Bowels such as Rheumatism, Appendicitis, Lumbago, Piles, Gout, Sciatica, Headaches, Neuralgia, Blood Poisoning, Eczema and all disorders of the Skin and Kidneys," were false and fraudulent, in that the said article was not composed of ingredients or medicinal agents effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the labels of the said bottles.

On April 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14256. Misbranding of Dr. Bull's cough syrup. U. S. v. 5 Gross, et al., of Dr. Bull's Cough Syrup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20887, 20889. S. Nos. E–5645, E–5648.)

On February 24, 1926, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 gross and 30¾ dozen bottles of Dr. Bull's cough syrup, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. C. Meyer & Co., from Baltimore, Md., in part on or about January 11, 1926, and in part on or about February 3, 1926, and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Dr. Bull's Cough Syrup."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of ammonium chloride, extracts of plant drugs including ipecac, sugar, alcohol, water, and flavoring material.

It was alleged in substance in the libels that certain statements regarding the curative and therapeutic effects of the article, borne on the bottle labels and cartons, and contained in circulars, testimonials, and booklets, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 22, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14257. Adulteration of canned salmon. U. S. v. 193 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18157. I. S. No. 7326–v. S. No. C–4220.

On December 14, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 193 cases of canned salmon, at Florence, Ala., alleging that the article had been shipped by the F. C. Barnes Co., from Prince Rupert, British Columbia, Canada, on or about October 22, 1923, and transported from a foreign country into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Dollar Brand Alaska Pink Salmon * * * Packed For F. C. Barnes Co. Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 13, 1926, the F. C. Barnes Co., Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, and it was further ordered that it be shipped to Seattle and there examined and reconditioned, and that the claimant might make use of any portion fit for human consumption, and that the remainder be disposed of for chick or fox feed.

W. M. JARDINE, *Secretary of Agriculture.*

**14258. Misbranding of salad oil. U. S. v. 444 Cartons and 28 Cartons of Salad Oil. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20501. I. S. Nos. 6869–x, 6870–x. S. No. E–5521.)

On October 14, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 472 cartons of salad oil, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Reliable Importing Co., Brooklyn, N. Y., on or about September 17, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contadina Brand Superior Quality Oil Pure Vegetable Salad Oil 0.98 Of One Gallon Or 7½ Lbs. Net" (or "0.98 Of ¼ Gallon Or 1⅞ Lbs. Net," as the case might be).

Misbranding of the article was alleged in the libel for the reason that the statements borne on the labels of the said cartons, to wit, "0.98 Of One Gallon Or 7½ Lbs. Net" and "0.98 Of ¼ Gallon Or 1⅞ Lbs. Net," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On November 18, 1925, the Reliable Importing Co., Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,225, conditioned in part that the product be recanned, and relabeled to show the true volume thereof, to wit, "Net Contents One Full Gallon" or "Net Contents One Quarter Gallon," as the case might be.

W. M. Jardine, *Secretary of Agriculture.*

**14259. Adulteration and misbranding of grape jelly and currant jelly. U. S. v. 4,800 Tumblers of Grape Jelly and 2,400 Tumblers of Currant Jelly. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 21034. I. S. Nos. 8188–x, 8189–x. S. No. E–5753.)

On April 26, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4,800 tumblers of grape jelly and 2,400 tumblers of currant jelly, remaining unsold at Yonkers, N. Y., alleging that the articles had been shipped by Richard Brinkman, from Jersey City, N. J., on or about April 10, 1926, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Tumbler) "Mrs. Brinkman's Pure Home Made Grape" (or "Currant") "Jelly."

Adulteration of the articles was alleged in the libel for the reason that substances, to wit, pectin and fruit jellies, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements "Pure * * * Grape Jelly" and "Pure * * * Currant Jelly," borne on the respective labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On May 18, 1926, Richard Brinkman, Jersey City, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that they be relabeled: "Mrs. Brinkman's Home Made Style Apple Pectin Grape Jelly" (or "Currant Jelly," as the case might be).

W. M. Jardine, *Secretary of Agriculture.*

**14260. Adulteration of butter. U. S. v. 82 Tubs and 80 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20933, 20934. I. S. Nos. 7937–x, 7945–x. S. Nos. E–5662, E–5668.)

On March 15, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 162 tubs of butter, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by the Harrow-Taylor Butter Co., Kansas City, Mo., a portion having been shipped on or about February 25, 1926, and the remainder having arrived at Hoboken March 6, 1926, and that the article had been shipped in interstate commerce, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 5, 1926, the Harrow-Taylor Butter Co., Kansas City, Mo., having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $4,000, in conformity with section 10 of the act, and it was further ordered by the court that it be reconditioned under the supervision of this department.

W. M. Jardine, *Secretary of Agriculture.*

**14261. Misbranding of oysters. U. S. v. Ralph Riggin, Lloyd Riggin, and Rex Riggin (Ralph Riggin & Bros.). Plea of guilty. Fine, $25 and costs.** (F. & D. No. 19756. I. S. Nos. 4475–x, 7218–x.)

On April 22, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ralph Riggin, Lloyd Riggin, and Rex Riggin, copartners, trading as Ralph Riggin & Bros., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about December 11, 1925, from the State of Maryland in part into the District of Columbia and in part into the State of Missouri, of quantities of oysters which were misbranded. The article was labeled in part: "Selects Minimum 1 Gallon Volume."

Examination by the Bureau of Chemistry of this department of 10 cans of the article from the shipment showed an average volume of 0.97 gallon.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Gallon Volume," borne on the cans containing the said article, was false and misleading, in that the said statement represented that the said cans each contained 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 gallon of oysters, whereas they did not each contain 1 gallon of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 3, 1926, the defendant, Lloyd Riggin, appeared as representing the partnership, and entered a plea of guilty, and the court imposed a fine of $25 and costs.

W. M. Jardine, *Secretary of Agriculture.*

**14262. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 15423. I. S. No. 4889–t. S. No. C–3249).

On October 11, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar, remaining in the original unbroken packages at Kalamazoo, Mich., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., on or about August 18, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples Reduced to 4 Per Centum Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted, wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, apple cider vinegar, and for the further reason that it was labeled "Apple Cider Vinegar Made From Selected Apples," so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the label contained certain statements regarding the ingredients of the said article, namely, "Apple Cider Vinegar Made From Selected Apples," which were false and misleading, in that the article contained a certain chemical and foreign substance, namely, barium.

On September 30, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, a decree was entered adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

W. M. Jardine, *Secretary of Agriculture.*

**14263. Adulteration of tomato puree. U. S. v. 500 Cases and 40 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20648. I. S. Nos. 2023–x, 2024–x. S. No. C–4875.)

On November 23, 1925, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 540 cases of tomato puree, remaining in the original packages at Covington, Ky., consigned by the Lapel Canning Co., Lapel, Ind., alleging that the article had been shipped in interstate commerce from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Lapel Brand Tomato Puree * * * Packed By Lapel Canning Co. Lapel, Indiana."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 13, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14264. Adulteration and misbranding of tomato pulp. U. S. v. 148 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20965. I. S. No. 4386–x. S. No. C–5053.)

On March 22, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 148 cases of tomato pulp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Frankton Ideal Canning Co., Frankton, Ind., on or about February 2, 1926, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Ferry Brand Tomato Pulp Contents 10½ Oz." (or "Contents 11 Oz.").

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding of the 11-ounce cans was alleged for the reason that the statement "Contents 11 Oz.," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14265. Adulteration of tomato puree. U. S. v. 738 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20911, 20912. I. S. Nos. 4379–x, 4380–x, 4381–x. S. Nos. C–4986, C–4987.)

On March 6, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 738 cases of tomato puree, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Frankton Ideal Canning Co., Frankton, Ind., in part January 25, 1926, and in part February 2, 1926, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Frankton Ideal Tomato Puree Packed by Frankton Ideal Canning Co. Elwood, Ind." The remainder of the said article was labeled in part: (Can) "Laclede Tomato Pulp."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14266. Adulteration of tomato pulp and tomato puree. U. S. v. 209 Cases of Tomato Pulp and 163 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20812, 20813, 20814, 20815, 20816. I. S. Nos. 4352–x, 4353–x, 4354–x. S. No. C–4941.)

On February 3, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 209 cases of tomato pulp and 163 cases of tomato puree, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Cates Canning Co., Cates, Ind., on or about November 24, 1925, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the food and drugs act. Twenty-eight cases of the product were labeled in part: "Copco Brand Puree Tomatoes."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 10, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14267. Adulteration and misbranding of butter. U. S. v. 150 Pounds, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20749, 20750, 20751, 20752. I. S. Nos. 3142–x, 3143–x, 3144–x, 3145–x. S. No. C–4905.)

On December 9, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 255 pounds of butter, remaining in the original unbroken packages at Duluth, Minn., alleging that the article had been shipped by the H. & F. Creamery Co., from Superior, Wis., in part November 28, 1925, and in part December 1, 1925, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Clear Lake Brand Creamery Butter * * * H. & F. Creamery Co. One Pound Net Superior, Wis."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 11, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14268. Misbranding of cottonseed cake. U. S. v. 400 Sacks of Cottonseed Cake. Decree adjudging product misbranded and ordering its release under bond.** (F. & D. No. 20809. I. S. Nos. 369–x, 370–x. S. No. W–1860.)

On February 8, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed cake, remaining in the original unbroken packages at Denver, Colo., consigned by the Quanah Cotton Oil Co., alleging that the article had been shipped from Quanah, Tex., on or about January 18, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: 43% Protein Cottonseed Cake. Manufactured by Quanah Cotton Oil Company, Quanah, Texas Guaranteed Analysis."

Misbranding of the article was alleged in the libel for the reason that the statement "43% Protein Cottonseed Cake," borne on the label, was false and misleading, and deceived and misled the purchaser, since the product did not contain 43 per cent of protein.

On March 11, 1926, the Quanah Cotton Oil Co., Quanah, Tex., having appeared as claimant for the property and having proved ownership thereof, a decree was entered, finding the product misbranded, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act and that the claimant be permitted to examine and relabel the said property according to its true and correct contents.

W. M. JARDINE, *Secretary of Agriculture.*

**14269. Misbranding of cottonseed meal and cottonseed cake. U. S. v. 115 Sacks of Cottonseed Cake, et al. Decree of forfeiture entered. Products released under bond.** (F. & D. Nos. 20928, 20938, 20958. I. S. Nos. 434–x, 435–x, 441–x, 442–x, 443–x, 447–x, 448–x. S. Nos. W–1916, W–1921, W–1927.)

On or about March 20, 27, and 30, 1926, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 638 sacks of cottonseed cake or meal, remaining in the original unbroken packages in part at Walsenburg, Colo., and in part at Trinidad, Colo., consigned by the Quanah Cotton Oil Co., alleging that the articles had been shipped from Quanah, Tex., in various consignments, namely, on or about November 26, 1925, and January 12 and February 1, 1926, respectively, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The articles were labeled, variously: "43% Protein Cottonseed Cake Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent"; "Crude Protein not less than 43.00 Per Cent"; "43% Protein Cottonseed Meal" (or "Cake") "Prime Quality."

Misbranding of the articles was alleged in the libels for the reason that the statements, "Protein not less than 43.00 Per Cent," "43% Protein," "43% Protein Cottonseed Cake," and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," as the case might be, borne on the various labels, were false and misleading and deceived and misled the purchaser, since the said articles did not contain 43 per cent of protein.

On April 21, 1926, the Quanah Cotton Oil Co., Quanah, Tex., having appeared as claimant for the property and having proved ownership thereof, on a finding by the court that the products were misbranded, judgment of forfeiture was entered, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,300, in conformity with section 10 of the act, and that the claimant be permitted to examine and relabel them to show the correct contents.

W. M. JARDINE, *Secretary of Agriculture.*

**14270. Adulteration of canned sardines. U. S. v. 465½ Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20434 to 20440, incl. I. S. Nos. 1827–x, 1831–x, 1832–x, 1834–x, 1836–x, 19790–v, 19792–v. S. Nos. C–5025, C–5026.)

On September 15, 1925, the United States attorney for the Eastern District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 465½ cases of sardines, remaining in the original packages in various lots at Ashland, Greenup, Russell, and Paintsville, Ky., respectively, consigned by the Maine Cooperative Sardine Co., alleging that the article had been shipped in interstate commerce from St. Andrews, N. B., Canada, into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "American Sardines In Cottonseed Oil, Packed at Eastport, Washington Co., Me., By L. D. Clark & Son * * * Banquet Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 12, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14271. Adulteration of shell eggs. U. S. v. 385 Cases, et al., of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20996 to 21000, incl. I. S. Nos. 12138–x to 12142–x, incl. S. Nos. C–5057 to C–5061, incl.)

On March 19, 1926, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,604 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the J. E. Brewer Produce Co., from Abilene, Kans., between the dates of March 13 and 20, 1925, and transported from the State of Kansas into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 3, 1926, the Town Stores Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, and the bad portion destroyed and the good portion released.

W. M. Jardine, *Secretary of Agriculture.*

**14272. Misbranding and alleged adulteration of evaporated apples. U. S. v. 258 Boxes and 260 Boxes of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20845. I. S. Nos. 1280–x, 1281–x. S. No. C–4950.)

On February 11, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 518 boxes of evaporated apples, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Standard Apple Products, Inc., from Red Creek, N. Y., October 27, 1925, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "50 Lbs. Net La Perla" (or "Victor") "Evaporated Apples Sulphured Packed By Standard Apple Products Inc., Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "50 Lbs. Net Evaporated Apples," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food

in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 21, 1926, John H. Leslie & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and the court having found all the material allegations of the libel to be true, a decree was entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be relabeled to show the correct net weight.

W. M. Jardine, *Secretary of Agriculture.*

**14273. Adulteration of tomato puree. U. S. v. 65 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20782. I. S. No. 1349–x. S. No. C–4934.)

On January 21, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 65 cases of tomato puree, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Frankton Ideal Canning Co., from Frankton, Ind., October 17, 1925, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Scout Brand Tomato Puree."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 19, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14274. Misbranding of cottonseed meal. U. S. v. 286 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20810. I. S. No. 373–x. S. No. W–1861.)

On February 8, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 286 sacks of cottonseed meal, remaining in the original unbroken packages at Denver, Colo., consigned by the Munday Cotton Oil Co., alleging that the article had been shipped from Munday, Tex., on or about January 18, 1926, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal Prime Quality Manufactured by Munday Cotton Oil Company Munday, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43.00 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser, since the product did not contain 43 per cent of protein.

On March 9, 1926, the Munday Cotton Oil Co., Munday, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

W. M. Jardine, *Secretary of Agriculture.*

**14275. Misbranding of Mecca compound. U. S. v. 9 Dozen Packages, et al., of Mecca Compound. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20867. I. S. Nos. 796–x, 797–x. S. No. W–1662.)

On February 26, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 dozen 2-ounce packages and 9 13-ounce packages of Mecca compound, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Foster-Dack

Co., from Chicago, Ill., September 1, 1925, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of zinc oxide, petrolatum, and fat, with traces of menthol, thymol, and phenol.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative and therapeutic effects were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box label) "Healing * * * for all kinds of Sores and inflammation giving quick relief and aiding nature to make speedy cures * * * For * * * Barber's itch, Eczema, Erysipelas, Hives, Salt Rheum, * * * Blood Poison, Boils, Diphtheritic Sore Throat, Pneumonia and all kinds of inflammation," (carton) "Healing," (circular, directions for using Mecca compound) "For Burned and Scalded surfaces, apply the Mecca * * * the immediate result will be cessation of pain and inflammation and no further blistering. Minor burns heal quickly and serious burns heal in a few weeks, free from scars and blemishes. No scars from burns ever appear where Mecca is properly used. For Frosted or Frozen parts apply the same as to a burned surface, applying, when possible, before the frost is withdrawn, for if so applied restoration will follow immediately. * * * for all kinds of hurts. Its use prevents soreness and inflammation and hastens a cure. In serious cases such as * * * Felons, Boils and Carbuncles apply by poulticing * * * Nothing equals Mecca for relieving Pain and for removing soreness. Any sore, recent or of long standing, may be cured by its use, practically applied. For Erysipelas, Gangrene, Scarlet Fever, Chicken Pox, Small Pox, and All Eruptive Diseases. For Erysipelas and Gangrene, poultice freely all the parts affected and if the case be severe let the poultice be applied fully half inch thick, but if mild, less will do. For Scarlet Fever, apply to all the eruptive parts by rubbing, and poultice the throat freely until relieved from soreness. For Chicken Pox, apply the Compound freely to all the irritated parts, with moderate rubbing. In Small Pox apply, both by rubbing and poulticing. Rub the patient with the Compound where there are aches and pains, and poultice freely where there is much soreness. It prevents all Itching, and Pitting, reduces the fever, strengthens the patient, and hastens recovery. For Sore Throat, Lung Trouble, Inflammation of the Bowels, Appendicitis, and Rheumatism. For Sore Throat apply * * * thickly over the front of the throat * * * For Lung trouble, Pneumonia, soreness of the chest and lungs, apply * * * by poultice * * * if the case be severe * * * if mild apply once or twice a day by rubbing * * * For Inflammation of the bowels, and Appendicitis, spread a thick poultice * * Apply over the seat of pain. It is best to keep the poultice on for some time after relief is obtained. For Rheumatism and sundry pains, apply by rubbing, if severe, by poulticing. Its continued use, even in most stubborn cases, will result in a cure," (testimonials) "I * * * have seen many men badly burned * * * nothing I ever saw or heard of compares with the wonderful work of Mecca Compound, so quickly and so fully does it relieve the sufferer from all pain and so quickly does nature restore under its use. * * * X-Ray Burn Cured. I suffered many months from an X-Ray burn * * * It developed into a running sore, which the doctors were unable to heal * * * Mecca Compound relieved the pain and soreness and made a complete cure. * * * when burned with the electric current. In no instance have we found it to fail in giving immediate relief," (circular, Mecca compound ointment) "If every home * * * would keep * * * Mecca Compound ready for immediate application in * * * Severe Burns and Scalds, bad Bruises, Blood Poison, Fevers and all kinds of inflammation, many lives would be saved and a vast amount of suffering avoided. Applied * * * to a burned or scalded surface, pain ceases, blistering is prevented and inflammation is held in check while nature soon restores. We firmly believe, if a burned or scalded patient lives two days under common treatment and then expires, that had Mecca Compound been immediately applied, in nearly every case, life would have been saved. We advise the head of every family to at once provide for its safety * * * has saved lives and much suffering. * * * A wise man will provide in time. Insure Protection for your Family by providing means of escape should a severe accident occur, such as is of daily occurrence. The clippings below * * * illustrate constant danger and the need of imme-

diate efficient aid. We firmly believe had Mecca Compound been immediately applied in sufficient quantity all of those, here mentioned, would have been saved. Note well the case of Mr. Mead of Council Bluffs, Iowa, how prompt application saved his life. Duty neglected brings remorse but can not restore life. A Mr. Mead of Council Bluffs, Iowa, was terribly burned by an explosion of gasoline. In less than ten minutes one third of his body had blistered while the whole body, except the head and feet, seemed ready to break forth * * * had a good supply of Mecca Compound * * * covering him an inch thick. * * * in five weeks he was back in his shop, without a scar or blemish. In this case 30 minutes' delay meant death in a few hours. * * * Clippings from The Chicago Daily Tribune * * * died * * * of scalds * * * died * * * of burns."

On March 26, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14276. Misbranding of Mecca compound. U. S. v. 144 Packages, et al., of Mecca Compound. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. No. 20872. I. S. Nos. 6265–x, 6266–x. S. No. E–5211.)

On February 19, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 13 dozen packages, 2-ounce size, and 11 packages, 6-ounce size, of Mecca compound, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Foster-Dack Co., alleging that the article had been shipped from Chicago, Ill., in part on or about October 16, 1925, and in part on or about January 12, 1926, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of zinc oxide, petrolatum, and fat, with traces of menthol, thymol, and phenol.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements: (Strip label, 6-ounce size) "A Triumph of Modern Chemistry * * * It controls Pain to a wonderful degree and renders such valuable aid to Nature as to make recovery, in many cases, seem miraculous * * * apply * * * as a * * * poultice * * * Salt Rheum, Erysipelas, Carbuncles, Boils, * * * Frozen Parts," borne on the label, were false and misleading, in that the product did not contain any ingredient or combination thereof, capable of producing the effects claimed.

On March 15, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14277. Misbranding of Mecca compound. U. S. v. 10 11/12 Dozen Packages of Mecca Compound. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20868. I. S. No. 7994–x. S. No. E–5210.)

On February 23, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 11/12 dozen packages, 2-ounce size, of Mecca compound, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Foster-Dack Co., from Chicago, Ill., on or about February 3, 1926, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Mecca Compound."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of zinc oxide, petrolatum, and fat, with traces of menthol and thymol.

Misbranding of the article was alleged in substance in the libel for the reason that the statements on the labeling and in the accompanying circulars were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 28, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14278. Adulteration and misbranding of jams. U. S. v. 5 Cases of Assorted Jams, et al. Products released under bond to be relabeled.** (F. & D. No. 20147. I. S. Nos. 14637–v to 14642–v, incl. S. No. W–1729.)

On July 6, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of assorted jams, 6 cases of strawberry jam, and 3 cases of raspberry jam, remaining in the original unbroken packages at Ogden, Utah, alleging that the articles had been shipped by the Oest Fruit Co., from San Francisco, Calif., on or about April 15, 1925, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Scowcroft's Kitchen King Brand Pure Fruit Jam Loganberries" (or "Raspberries" or "Apricots" or "Strawberries" or "Blackberries" or "Peaches") "Apple Juice & Sugar John Scowcroft & Sons Co., Ogden, Utah."

Adulteration of the articles was alleged in the libel for the reason that a substance, apple juice and excessive sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and for the further reason that compound jams consisting of apple juice, sugar, and fruit had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements borne on the labels, "Pure Fruit Jam Loganberries Apple Juice & Sugar," "Raspberries Apple Juice & Sugar," "Apricots Apple Juice & Sugar," "Strawberries Apple Juice & Sugar," "Blackberries Apple Juice & Sugar," "Peaches Apple Juice & Sugar," "John Scowcroft & Sons Co., Ogden, Utah," were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were sold under the distinctive names of other articles.

On May 8, 1926, the Oest Fruit Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, paid the costs of the proceedings, and executed a bond in the sum of $200, in conformity with section 10 of the act, a decree was entered, finding the products adulterated and misbranded, and it was ordered by the court that the said products be released to the claimant for the purpose of reshipment to San Francisco, Calif., for relabeling under Government supervision.

W. M. JARDINE, *Secretary of Agriculture.*

**14279. Adulteration of canned cherries. U. S. v. 47 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19871. I. S. No. 8998–v. S. No. C–5007.)

On March 16, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 cases of canned cherries, remaining in the original unbroken packages at Louisville, Ky., consigned by the Stittville Canning Co., North East, Pa., alleging that the articles had been shipped from North East, Pa., on or about August 19, 1924, and transported from the State of Pennsylvania into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Empire State Brand Pitted Red Cherries in Juice Packed By Stittville Canning Co. Principal Office Utica, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, since it contained excessive unfit foreign matter.

On February 6, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14280. Misbranding of prunes. U. S. v. the Lamb Fruit Co. Judgment for the Government. Fine, $100.** (F. & D. No. 19717. I. S. No. 4310–x.)

On January 20, 1926, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamb Fruit Co., a corporation, Milton, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 8, 1925, from the State of Oregon into the State of Missouri, of a quantity of prunes which were misbranded. The article was labeled in part: "Lamb Brand Italian Prunes The Lamb Fruit Company Milton-Freewater, Oregon * * * Net Weight 16 lbs. when packed."

Examination by the Bureau of Chemistry of this department of 78 cases of the article from the shipment showed an average net weight of 14⅞ pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 16 lbs. when packed," borne on the labels attached to the cases containing the said article, was false and misleading, in that the said statement represented that each of said cases contained 16 pounds of prunes when packed, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cases contained 16 pounds of prunes when packed, whereas the cases did not each contain 16 pounds of prunes when packed, but did contain in each of a number of said cases less than 16 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 9, 1926, upon failure of the defendant company to appear, judgment was entered for the Government, and the court imposed a fine of $100.

W. M. Jardine, *Secretary of Agriculture.*

**14281. Adulteration of shell eggs. U. S. v. George S. Beasley. Plea of guilty. Fine, $25.** (F. & D. No. 19317. I. S. No. 18407–v.)

On October 5, 1925, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George S. Beasley, Sherman, Miss., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 25, 1924, from the State of Mississippi into the State of Alabama, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From G. S. Beasley * * * Sherman, Mississippi."

Examination by the Bureau of Chemistry of this department of 6 half cases of the article, a total of 1,080 eggs, showed that 126, or 11.66 per cent, were inedible eggs, consisting of mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 6, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

W. M. Jardine, *Secretary of Agriculture.*

**14282. Adulteration and misbranding of canned shrimp. U. S. v. 118 Cases of Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20762. I. S. Nos. 4347–x, 4348–x, 4349–x. S. No. C–4927.)

On January 9, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 118 cases of shrimp, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Houma Packing Co., New Orleans, La., on or about August 1, 1921, and transported from the State of Louisiana into the State of Missouri, and charging adulteration in violation of the food and drugs act as amended. Fifty-six cases of the product were labeled in part: (Can) "Rita Brand Shrimp Packed For United Shrimp Co. New Orleans, La." The remainder of the article was labeled in part: (Can) "Robin Wet Shrimp Contents 5¾ Oz.," or "Marine Fancy Shrimp Wet Pack Contents 5¾ Oz. Shrimp."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged with respect to the Rita brand shrimp for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 13, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14283. Adulteration and misbranding of jams. U. S. v. 5 Cases of Raspberry Jam, et al. Products released under bond to be relabeled.** (F. & D. No. 20154. I. S. Nos. 14633–v, 14634–v. S. No. W–1731.)

On July 7, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of raspberry jam and 6½ cases of strawberry jam, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by the San Francisco Warehouse Co., from San Francisco, Calif., on or about March 18, 1925, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Oest's Pure Fruit Jam Raspberries" (or "Strawberries") "Apple Juice & Sugar * * * Oest Fruit Co. San Francisco, Cal."

Adulteration of the articles was alleged in the libel for the reason that a substance, apple juice and excessive sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength, and for the further reason that a substance, compound jams consisting of apple juice, sugar, and fruit, had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements "Pure Fruit Jam Raspberries Apple Juice & Sugar" or "Strawberries Apple Juice & Sugar," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were sold under the distinctive names of other articles.

On May 8, 1926, the Oest Fruit Co., San Francisco, Calif., having appeared as claimant, and having admitted the allegations of the libel, paid the costs of the proceedings, and executed a bond in the sum of $200, in conformity with section 10 of the act, a decree was entered, finding the products adulterated and misbranded, and it was ordered by the court that the said products be released to the claimant for the purpose of reshipment to San Francisco, Calif., for relabeling under Government supervision.

W. M. JARDINE, *Secretary of Agriculture.*

**14284. Misbranding of canned tomatoes. U. S. v. 599 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20817. I. S. No. 7168–x. S. No. E–5629.)

On or about February 8, 1926, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 599 cases of canned tomatoes, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Rehoboth Packing Co., Rehoboth, Del., on or about November 3, 1925, and transported from the State of Delaware into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pride of Rehoboth Brand Tomatoes Contents 2 Lbs., 2 Ozs. Packed By The Rehoboth Packing Co. Rehoboth, Del."

Misbranding of the article was alleged in the libel for the reason that the statement upon the label, to wit, "Contents 2 Lbs., 2 Ozs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 16, 1926, Thomas Roberts & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and for-

feiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

**14285. Adulteration of canned frozen eggs. U. S. v. 300 30-Pound Cans of Frozen Mixed Eggs. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20922. I. S. No. 6199–x. S. No. E–5661.)

On March 11, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 30-pound cans of frozen mixed eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Swift & Co., alleging that the article had been shipped from Springfield, Mo., on or about May 18, 1925, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Swift's Frozen Eggs * * * Swift & Company Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 6, 1926, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,500, conditioned in part that it be sorted under the supervision of this department and the portion unfit for food be denatured or destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

**14286. Adulteration of canned salmon. U. S. v. 328 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18427. I. S. Nos. 7066–v, 17687–v. S. No. C–4296.)

On February 28, 1924, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 328 cases of salmon, remaining unsold in the original unbroken packages at Peoria, Ill., consigned by F. C. Barnes Co., alleging that the article had been shipped from Seattle, Wash., on or about September 25, 1923, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Navy Peak Brand Fancy Pink Salmon Packed For Burnett Inlet Packing Co. Burnett Inlet, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On March 10, 1926, the Burnett Inlet Packing Co., Burnett Inlet, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, and it was further ordered that the said product be reshipped to Seattle, to be sorted, and that the good portion might be disposed of for human food and the remainder for chick or fox feed.

W. M. JARDINE, *Secretary of Agriculture.*

**14287. Adulteration and misbranding of spirit nitrous ether. U. S. v. 3½ Gallons of Spirit Nitrous Ether. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20971. I. S. No. 10245–x. S. No. C–5046.)

On March 26, 1926, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3½ gallons of spirit nitrous ether, at Lima, Ohio, alleging that the article had been shipped by the Felborn Pharmacal Co., Inc., Brooklyn, N. Y., on or about January 12, 1926, and transported from the State of New

York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Spirit Nitrous Ether U. S. P. Sweet Spirit of Nitre * * * Contains Between 3.5 and 4.5 % of Ethyl Nitrite * * * Felborn Pharmacal Co., Inc., Brooklyn, N. Y."

Adulteration of the article was alleged in substance in the libel for the reason that it was offered for sale under the distinctive name of an article recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopœia, and in that its strength and purity fell below the professed standard or quality under which it was sold, to wit, "Spirit Nitrous Ether U. S. P. Sweet Spirit of Nitre Contains Between 3.5 and 4.5 % of Ethyl Nitrite," since the said product contained not more than 2.4 per cent of ethyl nitrite, and an added ingredient, to wit, acetone, 3.9 per cent by volume. It was further alleged in the libel that the article was adulterated in violation of section 7, paragraph 1 under drugs, of said act, in that it contained 3.9 per cent by volume of acetone.

Misbranding was alleged for the reason that the statement "Contains Between 3.5 and 4.5 % of Ethyl Nitrite," borne on the label, was false and misleading and deceived and misled the purchaser.

On April 24, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14288. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 21013. I. S. No. 1093-x. S. No. W-1950.)

On April 10, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Spears & Co., from El Paso, Tex., March 3, 1926, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cotton Seed Meal. Manufactured By Spears & Company El Paso, Texas Guaranteed Analysis Crude Protein Not Less Than 43.00 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43% Protein" "Crude Protein Not Less Than 43.00 per cent," borne on the label, were false and misleading and deceived and misled the purchaser.

On May 4, 1926, the Consolidated Milling Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500.20, in conformity with section 10 of the act, conditioned in part that it be made to conform to the provisions of the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**14289. Adulteration and misbranding of evaporated apples. U. S. v. R. D. Waterman & Son, Inc. Plea of guilty. Fine, $25 and costs.** (F. & D. No. 19719. I. S. No. 14792-v.)

On February 16, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. D. Waterman & Son, Inc., Fruitland, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 9, 1924, from the State of New York into the State of Minnesota, of a quantity of evaporated apples which were adulterated and misbranded. The article was labeled in part: (Box) "Lake Shore Brand Evaporated Apples R. D. Waterman & Son, Inc. Fruitland, N. Y.," (package) "Lakeshore Brand New York State Apples 12 Oz.," (rubber stamped "10 Oz.") "Net * * * Packed By R. D. Waterman & Son, Inc. Fruitland & Williamson, N. Y. U. S. A."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, excessive water, had been substituted in part for evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the statements, "12 Oz. Net" and "10 Oz. Net," borne on the packages containing the article, were false and misleading, in that they represented that each of said packages contained 12 ounces net or 10 ounces net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 12 ounces net or 10 ounces net of the article, whereas each of said packages contained less than 10 ounces net of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14290. Adulteration of chestnuts. U. S. v. Descalzi Bros. Co., Inc. Plea of guilty. Fine, $25 and costs.** (F. & D. No. 19678. I. S. No. 16888–v.)

On February 16, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Descalzi Bros. Co., Inc., New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about October 29, 1924, from Buffalo, N. Y., into the State of Massachusetts, of a quantity of chestnuts which were adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed vegetable substance.

On March 16, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**14291. Misbranding of apples. U. S. v. the American Fruit Growers, Inc. Plea of guilty. Fine, $5.** (F. & D. No. 19314. I. S. No. 12241–v.)

On September 2, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Growers, Inc., a corporation, Sacramento, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 23, 1924, from the State of California into the State of Colorado, of a quantity of apples in boxes which were misbranded. The article was labeled: "American Fruit Growers, Inc."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 21, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $5.

W. M. JARDINE, *Secretary of Agriculture.*

**14292. Adulteration and misbranding of wheat grey shorts. U. S. v. 900 Sacks of Wheat Grey Shorts. Product released under bond to be relabeled.** (F. & D. No. 19878. I. S. Nos. 19823–v, 19824–v. S. No. C–4673.)

On March 9, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 900 sacks of wheat grey shorts, at Memphis, Tenn., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about February 14, 1925, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: Wheat Grey Shorts & Screenings Not Exceeding 8% Screenings. The Kansas Flour Mills Company Kansas City," and was invoiced "Our Grey Shorts."

Adulteration of the article was alleged in the libel for the reason that a substance, brown shorts, had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the designation, "Wheat Grey Shorts," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, viz., wheat grey shorts.

On January 4, 1926, the Royal Feed & Milling Co., Memphis, Tenn., claimant, having admitted the allegations of the libel but denying responsibility for the violation, and having offered bond in the sum of $1,000, conditioned that the requirements of this department be complied with, it was ordered by the court that the product be released to the said claimant to be relabeled, and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

**14293. Misbranding of Milcoa (oleomargarine). U. S. v. Hemphill Packing Co. Plea of guilty. Fine, $100.** (F. & D. No. 19708. I. S. No. 14470–v.)

On March 8, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hemphill Packing Co., a corporation, trading at Los Angeles, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 10, 1925, from the State of California into the State of Oregon, of a quantity of Milcoa (oleomargarine) which was misbranded. The article was labeled in part: (Carton) "One Pound Net Milcoa * * * Nut Margarine * * * Oleomargarine * * * Morris & Company," (wrapper) "Moisture 12.%."

Analysis by the Bureau of Chemistry of this department of four samples of the article showed an average moisture content of 13.7 per cent. Examination by said bureau showed that the average weight of 130 packages was 15.75 ounces.

Misbranding of the article was alleged in the information for the reason that the statement "Moisture 12.%," borne on the packages containing the said article, and the statement "One Pound Net," borne on the wrappers and cartons, were false and misleading, in that the said statements represented that the article contained not more than 12 per cent of moisture and that each package contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 12 per cent of moisture and that each of the packages contained 1 pound net of the said article, whereas it contained more than 12 per cent of moisture and each of said packages contained less than 1 pound net of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 19, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

**14294. Misbranding and alleged adulteration of canned clams. U. S. v. 8 Cases of Canned Clams. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20327. I. S. No. 6921–x. S. No. E–5467.)

On August 21, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of canned clams, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by A. J. Lawler, South West Harbor, Me., on or about May 19, 1925, and transported from the State of Maine into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "White Star Brand Maine Clams Net Weight 5 Ounces Packed By A. J. Lawler, So. West Harbor, Maine."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the labels, to wit, "Clams Net Weight 5 Ounces," was false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 5, 1926, A. J. Lawler, South West Harbor, Me., having appeared as claimant for the property, a decree was entered, adjudging the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

**14295. Adulteration of shell eggs. U. S. v. 24 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20818. I. S. No. 4959-x. S. No. E-5621.)

On January 25, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Weinberg Bros. & Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Quality Stamper Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On March 1, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14296. Adulteration of apple chops. U. S. v. 10 Bags of Apple Chops. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20952. I. S. No. 4387-x. S. No. C-5054.)

On March 18, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 bags of apple chops, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by C. T. Montgomery, Noble, Ill., on or about March 8, 1926, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From C. T. Montgomery, Noble, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 13, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14297. Adulteration and misbranding of butter. U. S. v. Ambrosia J. Smith, John S. Carter, Sam S. Lard, Trustees (Texas Creamery Co.). Pleas of guilty. Fine, $100.** (F. & D. No. 19282. I. S. Nos. 7488-v. 7491-v, 7493-v.)

On May 1, 1925, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ambrosia J. Smith, John S. Carter, and Sam S. Lard, trustees, Texas Creamery Co., an unincorporated association, Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 7, 1924, from the State of Texas into the State of Louisiana, of quantities of butter a portion of which was adulterated and misbranded, and the remainder of which was misbranded. A portion of the article was contained in tubs

labeled in part: "32 Lb. Net Morning Glory Salted Butter." The remainder of the article was contained in cartons labeled in part: "Sweet Clover One Pound Net Sweet Clover Butter * * * Texas Creamery Company, Houston, Texas" or "Extra Fancy Morning Glory Creamery Butter * * * One Pound Net Texas Creamery Co., Houston, Tex."

Adulteration of the tub butter and the Sweet Clover brand butter was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding of the tub butter and the Sweet Clover brand butter was alleged for the reason that the statement "Butter," borne on the labels, was false and misleading, in that the said statement represented that the article was butter, to wit, an article containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter but was a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat. Misbranding of the said tub butter and the Sweet Clover brand butter was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

Misbranding of the Sweet Clover brand and Morning Glory brand butter was alleged for the reason that the statement, to wit, "One Pound Net," borne on the cartons, was false and misleading, in that the said statement represented that the cartons each contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cartons each contained 1 pound net of the said article, whereas said cartons did not each contain 1 pound net of the article but did contain a less amount. Misbranding of the said Sweet Clover brand and Morning Glory brand butter was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 7, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100.

W. M. JARDINE, *Secretary of Agriculture.*

**14298. Misbranding of San-Tox kidney and bladder pills. U. S. v. 12 Dozen Bottles, et al., of San-Tox Kidney and Bladder Pills. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20734, 20735. I. S. Nos. 784-x, 791-x. S. Nos. W-1794, W-1837.)

On December 24, 1925, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 31 dozen bottles of San-Tox kidney and bladder pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the DePree Co., from Holland, Mich., in various consignments, June 7 and 26 and November 14 and 23, 1925, respectively, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the pills contained potassium nitrate, juniper oil, Venice turpentine, and extracts of vegetable drugs, including uva ursi, pichi, and cascara sagrada, and were sugar coated.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Kidney and Bladder Pills," (carton label) "Kidney And Bladder Pills Recommended for derangements of the kidneys and bladder," (circular accompanying 12 dozen bottles of product) "Kidney and Bladder Pills * * * While it is not our intention to cause undue fear nor to exaggerate the danger of neglecting the kidneys and bladder when one first experiences the well known symptoms which indicate trouble in these organs, still we desire to state in all fairness and honesty that too often these symptoms are neglected at the start, when a simple form of treatment, adhered to for a sufficient time to enable these vital organs to regain their normal condition and resume proper

functions, would doubtless avert the dread diseases to which they are subject and which so frequently result seriously. For just such purposes we have produced * * * Kidney and Bladder Pills a simple but extremely effective treatment * * * These pills will perform such good service and prove of such great benefit in * * * allaying inflammation, relieving catarrhal conditions, and removing the cause of congestion in both kidney and bladder that one notices the relief almost as soon as treatment starts, and by continued use the most aggravated case of kidney and bladder trouble is as a rule effectually remedied. By this we do not mean that one may expect to cure the established case of Brights disease or of Diabetes by merely using San-Tox Kidney and Bladder Pills. Everyone knows that the proper treatment of both these diseases requires strict observance of rules governing diet, exercise and correct living in order to arrest their ravages. We do wish, however, to state that in such cases, when not under the care of a physician, that San-Tox Kidney and Bladder Pills will prove of benefit by their healing, soothing, antiseptic action; * * * The several ingredients * * * and the combination * * * works wonders in the treatment of kidney and bladder disorders. Frequently some such disorder, which is not in itself of a dangerous nature, but * * * causes constant backache or pains as well as other unpleasant features, will quickly respond to the treatment of * * * Kidney and Bladder Pills * * * in such cases one never knows to what extent such neglected symptoms may develop."

On or about May 14, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. Jardine, *Secretary of Agriculture.*

**14299. Misbranding of Prescription 1000 internal and Prescription 1000 external. U. S. v. Certain Quantities of Prescription 1000 Internal and Prescription 1000 External. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20080, 20081. I. S. Nos. 14503–v, 14504–v, 14505–v, 14506–v. S. Nos. W–1716, W–1717.)

On May 25, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 16 dozen bottles of Prescription 1000 internal, and 10 dozen bottles of Prescription 1000 external, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Reese Chemical Co., from Cleveland, Ohio, March 19 and 31 and April 22, 1925, respectively, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the Prescription 1000 internal showed that it consisted of an emulsion composed of copaiba balsam, a small amount of alkali, and water, flavored with methyl salicylate. Analysis by said bureau of a sample of the Prescription 1000 external showed that it consisted of potassium permanganate dissolved in water.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredient or combination of ingredients capable of producing the effects claimed: (Internal) (circular Number 1, Spanish) "For gonorrhea, suppuration, diseases of the urine, excess of urine, inflammation, etc., * * * In the treatment of gonorrhea * * * continue taking * * * for some weeks after the suppuration has terminated and follow the instructions strictly in order to insure permanent alleviation," (circular Number 2, English) "What the U. S. Pharmacopoea says about the ingredients of Prescription 1000 Internal. Balsam Copaiba—Principally used in gonorrhea; gently stimulant, diuretic, laxative, and in large doses purgative. Santal Oil—Chief use is in gonorrheal urethritis, although sometimes used in chronic bronchitis and cystitis. Potassium Hydroxide—Internally mildly diuretic and powerfully antacid. Renders the urine alkaline. Methyl Salicylate—Used chiefly internally for rheumatism, also as a flavoring agent"; (external) (circular Number 1, Spanish) "It is the companion of Prescription 1000 for internal use. It should be used in conjunction with it for obstinate cases of gonorrhea or suppuration, when the patient desires immediate relief. It may also be

used without Prescription 1000 for internal use, but by using both * * * the best results are obtained. Instructions: To be injected two or three times a day. For more rapid results, if convenient, it may be injected every hour or two. Use a small syringe and inject one teaspoonful, allowing the liquid to remain in the urethra for a short time before releasing it," (circular Number 2, English) "A mild solution of a powerful germicide, suitable for application to mucous surfaces. What the U. S. Pharmacopoea says about this germicide. Used in the treatment of fetid and gangrenous ulcers, hospital gangrene, abscesses, carbuncles and wounds of all kinds. In the treatment of all kinds of fetid discharges of the mucous membranes, as in ozena otorrhea, gonorrhea, and leucorrhea. In the treatment of diphtheric affections and it has proven serviceable in cancerous ulcers. Directions Use with small syringe or spray * * * The oftener used the better."

On or about May 14, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**14300. Misbranding of Bear's emulsion. U. S. v. 34 Bottles, et al., of Bear's Emulsion. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20941 to 20945, incl. I. S. No. 4972–x. S. Nos. E–5669 to E–5673, incl.)

On March 17, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 263 bottles of Bear's emulsion, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by John D. Bear, in part from Stephenson, Va., and in part from Stephens City, Va., in various consignments, on or about September 8, 1924, January 14, 1925, September 19, 1925, December 10, 1925, and February 9, 1926, respectively, and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was an emulsion consisting essentially of mineral oil, sodium phosphate, potassium phosphate, gum, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, English, with similar statements in foreign languages) "is easily * * * absorbed * * * superior to Emulsion of Cod Liver Oil * * * This preparation is a * * * tissue builder and used with great success in Consumption, Coughs, Colds and Bronchitis, and * * * for nervous-run-down people * * * Guaranteed," (carton label, English, with similar statements in foreign languages) "For Colds, Coughs, Bronchitis, Sore Lungs, Loss Of Weight, Loss Of Appetite, Loss Of Strength, Tuberculosis Of The Lungs and * * * Weak, Nervous and Overworked People. * * * In Tuberculosis of the lungs (consumption) Bear's Emulsion is one of the best remedies. It is far superior to cod liver oil * * * enables the patient to eat, digest, and assimilate food. It causes an increase in flesh and strength * * * restores tone to the intestines so that normal bowel movements are regular * * * the best for loss of flesh, appetite and general run down system caused by over work and loss of sleep."

On May 17, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

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